



HANDBOOK FOR CONCORD BOARD AND COMMISSION MEMBERS

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Welcome and Orientation

Welcome and thank you for your willingness to serve as a member of a City of Concord Board or Commission. The City's Boards and Commissions are advisory bodies to the City Council which play an important role in City governance by assisting the Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit between citizens, City staff and departments, and the City Council. As an appointed citizen member of a City established advisory body, you are considered a public official serving in an advisory capacity to the City Council performing a valuable service by addressing community issues and needs. City Councilmembers look forward to your contribution as we all work together to provide efficient municipal services that are responsive to local needs and expectations.

The City of Concord has a number of advisory bodies, each with distinct responsibilities. As a Board or Commission member, you should familiarize yourself with the documents governing your particular body. These may include sections of the Concord Municipal Code, City Council resolutions, advisory body work-plans, relevant element(s) of the General Plan, and other documents, all available from your Staff Liaison. Review of these documents will help you get a sense of your responsibilities.

This Handbook is designed to serve as a reference for the basic protocols that apply generally to all City advisory bodies. Orientation is necessarily an active process. You will want to meet with the Staff Liaison and Chair of your advisory body to get a sense of your role and the business of the body. Along with familiarizing yourself with your advisory body's fundamental documents, you may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the Board or Commission's Work Plan to familiarize yourself with current goals.

Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by the City Council, by the City department staff, and by your community. The vitality and strength of our community is found in the willingness of people like you who volunteer to serve.

Citizen volunteers with questions regarding any information in this handbook are encouraged to contact the City Clerk's office, the City Attorney's office or the Staff Liaison assigned to your particular Board or Commission.

Introduction

Purpose for Advisory Bodies

Advisory bodies play an important role in City government by assisting and advising the City Council in formulating and implementing policy. Advisory bodies also develop recommendations and present supporting information to the City Council. Certain advisory bodies have the authority to make final decisions; some decisions may be appealed to the City Council.

Boards and Commissions are established by ordinance, while committees and task forces are usually established by a motion or resolution to address particular projects or specific areas of concern. Task forces generally are given a defined period of time to accomplish their tasks.

The City values the effort and time commitment that its citizen volunteers give to the people of Concord. Working on a committee, board, commission and other citizen organizations can be time consuming and challenging.

How Appointments Are Made

Applications

Any citizen interested in serving on an advisory body is invited to complete an application form and submit it to the City Clerk's office. Application forms can be obtained from the City Clerk's office or on the City's website at <http://www.cityofconcord.org/citygov/bc/b-c.htm>. When term expirations or a vacancy occurs, the City Council publicly announces the openings. A Press Release is publicized in the local newspaper, posted at the Public Library, the Concord Senior Center, on the City's Cable TV Channels 28 (Comcast) and 29 (Astound) and mailed to a list of organizations and neighborhood partnership representatives. Copies of the applications received during a recruitment period are forwarded to all members of the City Council.



Appointments

Appointments to an advisory body are made at a City Council meeting by recommendation of the interviewing Council Subcommittee (see attached Exhibit No. 8) and approved by the City Council as a whole. The notification process and appointment are governed by Policy and Procedure No. 89 (P&P#89) approved by Council action in 1978 and revised in 2005, and attached as Exhibit No. 7.

Terms of Office

Advisory board members are typically appointed to a two-year term commencing either March 1 or July 1 of a term period. Member terms on each advisory body are staggered to retain continuity of the body. Members may be appointed to a shorter term if appointed to fill an unscheduled vacancy, or if appointed as an alternate.

Appointment of Alternates

The City Council may appoint one or more alternates to any city board, commission, or committee per Concord Municipal Code Sec. 2-271. Any appointed alternates shall be listed consecutively as first alternate, second alternate, and so forth. An alternate's term expires when the next annual recruitment for members of his/her respective board, commission, or committee is completed.

An alternate to a Board or Commission serves in much the same capacity as an alternate on a jury. They are appointed to fulfill the term of a vacating voting member, should such a vacancy occur. An alternate member may monitor the proceedings of advisory meetings, but is not required to do so. The member has no voting power, and is not included in roll calls. The member may serve as a member of a subcommittee which is chaired by a voting member of the body, and which is formed to include other public members.

Resignations

In those instances when an appointed member is not able to complete his or her term of office, the member is requested to submit a letter to the Staff Liaison or City Clerk stating their resignation and the effective date.

Vacancies

Only in the event of an unscheduled vacancy on any city board, commission, or committee is an alternate to fill the position of the vacating member, serving only until the expiration of the vacating member's term of office. Upon receipt of the written notification of the vacancy, the City Clerk will initiate the designation of the appointment of an alternate with the City Council. Alternates fill unscheduled vacancies of their respective board, commission, or committee in the order in which they were appointed alternate.

If no alternates were appointed to the affected advisory board, a 30-60 day recruitment may be announced and an appointment made by the responsible Council Committee to fill the term for the period of time remaining on the unexpired term.



Responsibilities

The primary role of an advisory body is to provide judicious advice to the City Council, the elected policy-making body of the City. The advisory body's role can include hearing public testimony on the Council's behalf, building community consensus for proposals or projects, reviewing written material, facilitating study of issues, guiding implementation of new or regulating established programs, assessing the alternatives regarding issues of community concern and ultimately forwarding recommendations through the Staff Liaison to the City Council for its consideration. There may be times when the advisory body's recommendations will not be sustained or will be modified by the City Council. It is important for the advisory body members to recognize that this is not a rejection of the integrity of the recommendation but an inevitable part of the process of community decision-making.

Staff—Advisory Body Relationship

The relationship of the advisory body and staff is an active, continuous, and nuanced one. Both advisory body and staff are motivated by the shared goal of furthering the City's best interests. Yet while the goal is shared, there are times when the approach and responsibility toward implementing the goal are significantly different. Some things that one body can do, the other cannot. Sometimes staff may wish to accomplish a specific goal, but due to the constraints of their employment, they may not readily be able to advance their ideas. Likewise, the advisory body recognizes obligations to fulfill larger objectives that staff, in their demanding workloads, may sometimes overlook. Because the distinctions in responsibility are not always explicit, cultivating a balanced understanding of your role and working closely with your Staff Liaison is essential. The interaction need never be adversarial, but rather can promote respect for different perspectives, and appreciation for each other's strengths.

Staff Responsibilities include:

- ♦ Being informed about the latest developments in their field.
- ♦ Providing background and expressing views to the advisory body on important issues.
- ♦ Providing administrative support, including agenda preparation and taking of minutes at meetings.
- ♦ Maintaining a professional position on all topics.
- ♦ Assisting the advisory body to stay on track and focused.
- ♦ Interpreting City Council, City department, and relevant state, federal, and international actions and policies.

- ◆ Making sure the intent of the advisory body is carried forward after a decision.
- ◆ Developing a rapport with the Chair and advisory body members.
- ◆ Alerting advisory body members of possible detrimental actions.
- ◆ Presenting advisory body recommendations to the City Council.

Attendance

For advisory bodies to function effectively and accomplish their goals, all members must be active participants. This means all members must be present at all meetings. Commissioners should inform the staff liaison prior to the meeting if they will be unable to attend. Three unexcused absences in one calendar year may be grounds for removal from the advisory board. City Council reviews an attendance report for all advisory bodies in January and July of each year and may make recommendations for removal of an advisory board member for excessive absences (P&P#89).

Scope of Authority

Advisory bodies are not involved in administration or operation of City departments. Advisory body members may not direct administrative staff to initiate programs and may not conduct major studies or establish policy without the approval of the City Council. City staff members are available to provide general staff assistance to the advisory body.

Conflicts of Interest

All members of City advisory bodies should avoid the appearance of bias in pending City matters at all times. Government Code §1090 provides that “members of the Legislature, state, county, district, judicial district, and city officers or employees, which includes City advisory board members, shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.” There are certain exceptions to this rule; when in doubt the staff liaison should consult the City Attorney.

Members of the Appeals Board, Community Services Commission, Design Review Board, Mobilehome Rent Review Board, Parks, Recreation and Open Space Commission and Planning Commission are required, pursuant to the Political Reform Act, to file Statements of Economic Interests (Form 700) upon assuming office, annually, and upon leaving office. The City Clerk will provide the necessary information to complete the filing obligation.

Meetings

Authorizing Documents

The City Council approved the formation, composition, and responsibilities of all advisory bodies by Ordinance approval. Ordinances become Concord Municipal Code (CMC), and copies of the CMC for each Board and Commission are attached as Exhibit No. 3. Some advisory bodies, such as the Planning Commission, have responsibilities under State law. All advisory bodies operate under Council auspices and are responsible to the Council for compliance with the City's Charter, Council Policy, Municipal Code, and the Brown Act. It is expected that all members of all advisory bodies adhere to the City's Mission, Vision and Values, and Corporate Goals. See attached Exhibits No. 1 and No. 2.

Meetings

City of Concord advisory bodies are subject to State law governing open meetings. The California law governing open meetings is found in the California Government Code, Sections 54950-54962 and is popularly referred to as the "Brown Act." Generally speaking, the intent of the Act is that meetings of legislative bodies, including advisory bodies, shall be open to the public, properly noticed and recorded. See attached Exhibit No. 9.

Quorum

At any meeting of an advisory body, a majority of those members currently appointed shall constitute a quorum for purposes of conducting business, and unless otherwise posted, a majority vote of those present and voting shall be sufficient to adopt motions.

Agendas

State law requires that an agenda for each advisory meeting be posted at least 72 hours prior to the meeting. The agenda is to state the time and place of the meeting and a brief description of matters to be heard. The agenda is also to provide an opportunity for members of the public to be heard at the meeting regarding matters within the jurisdiction of the advisory body, referred to as Public Comment. The staff liaison assigned to each advisory body is responsible for preparation of the meeting agenda. A copy of the agenda is mailed to each member of the advisory body as well as posted in the display cabinet at the Civic Center for public review. Members of the City Council also receive copies of agendas.

Meeting Types

City advisory bodies may hold two types of meetings: regular and special meetings. The staff liaison to the advisory body is responsible to prepare the meeting agenda and to post a copy of the agenda prior to the 72-hour posting deadline. The staff liaison is also responsible for noticing the advisory members and the City Clerk's office of meeting cancellations, adjournments, and/or change of locations.

Regular Meetings

Regular meetings are held at the time and place specified as the regular meeting time and location, and may be "adjourned to" another date and time and are considered "regular adjourned meetings."

The Brown Act generally requires advisory bodies to conduct public meetings. A "meeting" is considered to take place any time that a quorum of the advisory body gathers to discuss that body's business. The Brown Act prohibits a quorum from meeting privately. The Brown Act specifically prohibits "any use of direct communication, personal intermediaries or technological device employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on any item by the members of the legislative body." Therefore, the prohibition extends not only to personal contacts of the advisory body members among themselves outside the public meeting, but it also prohibits "serial" meetings whereby information is ultimately exchanged among a quorum of advisory body members whether or not simultaneously in one another's presence.

Special Meetings

Special meetings may be held at a different time or place to discuss specific issues as noted on the meeting agenda, as long as the meeting has been properly noticed.

Adjournment or Continuance

A legislative body may adjourn or continue any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment or continuance.

E-Mail Communications Between Advisory Body Members (Potential Serial Meetings)

Because e-mail communication can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of advisory body members, e-mail communications between advisory body members relative to advisory body business, should be avoided. While two members of a five-member body, for example, may appropriately communicate with one another by way of e-mail, the “forwarding” of such an e-mail message on to a third or subsequent member would result in a Brown Act violation.



Meeting Protocol

It is the Chair’s role to facilitate meeting protocol. Staff liaisons may assist the Chair in starting the meeting on time, and also provide guidance in meeting protocol. Staff may also facilitate and promote effective communication.

Proceedings

- Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of the meeting if the order of agenda items is to be rearranged either for convenience, response to those attending only for certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, staff and each other. Give your full attention when others speak.
- Trust your own good judgment on decisions.
- Keep in mind that people may be attending a meeting for the first time and may be unfamiliar with the advisory body procedures. In your discussion, either avoid or explain technical terms or verbal shorthand.
- Listen to audience concerns.
- Don’t engage in side conversations or otherwise be distracted.
- Don’t engage the public in debate.
- Remember that your advisory body exists to take actions. It is not simply a discussion group or debating society.
- End meetings at a reasonable hour.

Preparing Motions

Advisory body meetings are usually conducted according to parliamentary procedure. The Chair directs the meeting, and his/her rulings must be followed unless they are overruled by the body.

When a member wishes to propose an action on a particular item on the posted agenda for the advisory body to consider, the member makes a motion. A motion goes through the following steps.

1. The member asks to be recognized by the Chair.
2. After being recognized, the member makes the motion: *"I move that we..."*
3. Another member seconds the motion: *"I second the motion."*
4. The Chair restates the motion and asks for discussion on the motion. It is best to avoid including more than one proposal in the same motion. This is especially important when advisory body members are likely to disagree.
5. When the Chair determines that there has been enough discussion, the debate may be closed with: *"Is there any further discussion?"*
6. If no one asks for permission to speak, the Chair then puts the question to a vote: *"All those in favor say aye."* *"All those opposed say nay."* The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all. Any member may request a roll call vote on a motion.
7. After the vote, the Chair announces the decision.

NOTE: Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it. Only motions that are voted on will appear in the minutes.

Meeting Minutes

The staff liaison assigned to the advisory body is responsible for preparation of the minutes of each meeting. Meeting minutes shall be a brief record of matters discussed and actions taken by the advisory body. The minutes shall also list the names of those persons speaking during the public comment period. Minutes should not reflect personal opinions and/or comments that do not directly relate to actions taken by the advisory body. Minutes of the meeting shall be submitted to the advisory body for approval at its next meeting and shall be signed by the staff liaison when approved.



Televised Meetings

The meetings of the Human Relations Commission; Parks Recreation and Open Space Commission and Planning Commission are televised live over Concord Cable TV Channel 28 (Comcast) and Channel 29 (Astound).

Your physical appearance on television is important. How you look affects your credibility and your image. How you act is a reflection on how the viewing audience receives your message.

Remember to:

- ◆ Dress appropriately. Generally, men and women should dress conservatively in medium-colored suits or comparable professional attire. Avoid wearing bright red or white clothing, flashy jewelry and stripes.
- ◆ Avoid making quick, sweeping gestures. They make it difficult for the camera operator to follow your movements. Use slower gestures and keep them close to your body.
- ◆ Use vocal variety moderately. Speak as if you're talking to only one person, not to an audience of thousands.
- ◆ Use visual aids carefully. Just be sure that they can be seen and understood by your audience.
- ◆ Speak as though you are talking with a friend.
- ◆ Don't read from newspapers or periodicals; Paraphrase.
- ◆ Speak normally into the microphone. Avoid coughing, tapping your fingers, rustling paper or hitting the microphone.
- ◆ Watch what you say; always assume your microphone is on. Don't be embarrassed by having your inappropriate or sidebar comments captured on another's open microphone.

Additional Meeting information

Unagendized Items

Discussion or action on items that are not included in the posted agenda may only occur in very limited circumstances. To discuss or act on an item not included in the posted agenda, an advisory body must:

- ◆ Determine that “the need to take action” arose after the agenda was posted, and that the action is required prior to the next meeting.
- ◆ Approve the determination by a vote of at least two-thirds of the members of the body or by a unanimous vote if less than two-thirds of the members are present.
- ◆ Move, second, and vote on the item once the determination is approved.
- ◆ Include that action in the meeting’s minutes along with a brief explanation of the circumstances stating the need for action and the reason the need arose after posting the agenda.
- ◆ In general, if members or staff knew of the need to act before posting the agenda and if the item was not included for reasons of scheduling convenience or oversight, members may not determine that the need arose after the agenda was posted.

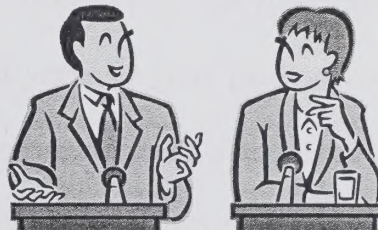
Information items placed on an agenda may not be acted upon at the meeting. Any member may, however, request that the informational item be placed on a future agenda for action.

Preparation for Meetings

Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials before the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your consistent attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.

- ◆ Understand what action you are being called on to take regarding each particular agenda item.
- ◆ If you have questions regarding the agenda or agenda report, contact the Chair or your Staff Liaison before the meeting to clarify questions or request further information.

- ◆ Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body you will be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to supervise City staff.
- ◆ Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue, and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.
- ◆ Strive to appreciate differences in approach and point of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas: remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.
- ◆ If you are unsure about something during the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff liaison to provide information to assist the members throughout the decision-making process.



Rules of Debate

Chair - The Chair may debate and may second motions, but may not make a motion. The Chair is subject to the limitations of debate that are imposed on all members and, except for making motions, shall not be deprived of any of the rights and privileges of a member.

Advisory Body Members - Every advisory body member desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate. A member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege, or appeal of Chair's procedural ruling). Reference "Robert's Rules of Order," a summary of which is attached as Exhibit No. 11. The entire text can be found on-line at <http://www.robertsrules.org>.

Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- (1) We may disagree, but we will be respectful of one another.
- (2) All comments will be directed to the issue at hand.
- (3) Personal attacks should be avoided.

Role and Responsibilities of the Chair

The Chair shall preserve order and decorum at all meetings of the advisory body, announce the advisory body's decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward with involving all members of the advisory body and allowing for adequate public participation.

The Chair should:

- ◆ Ensure that the public understands the nature of the issue being discussed.
- ◆ Keep discussion focused on the issue at hand.
- ◆ Solicit opinions from advisory body members. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- ◆ Protect advisory body members, staff, and the public from personal attacks.
- ◆ Provide structure for addressing complicated issues.
- ◆ Attempt to reach decisions expeditiously on action items.

In the absence of the Chair, the Vice Chair shall act as the presiding officer.

Conclusion

It is our sincere desire to make your experience serving on one of the City's advisory bodies an enjoyable one. Please feel free to ask questions, or offer comments which will enhance the information we have provided for you in this Handbook. For your ready reference we have included listings of the current members of our Boards and Commissions, and the Staff Liaison and their clerical assistants as Exhibits No. 5 and 6.

Once again, thank you for serving your community as a member of one of the City advisory bodies.

Exhibit 1

Concord's Corporate Goals



Corporate Goals
Adopted June 23, 1998

- Goal 1 Continue to make Concord a desirable place to live, work, and raise a family.
- Goal 2 Be responsive to the needs of Concord citizens, maintain a high level of customer satisfaction, and provide quality public information and outreach.
- Goal 3 Promote and improve Concord as a premier location for existing, expanding, and new businesses.
- Goal 4 Ensure a balanced budget for a ten-year planning period with adequate replacement funds for buildings and equipment.
- Goal 5 Preserve and enhance the livability of Concord's residential neighborhoods with opportunities for a broad range of housing options.
- Goal 6 Offer an array of recreation, leisure, and cultural events and programs to meet the needs of citizens of all ages, with an emphasis on the well-being of youth.
- Goal 7 Maintain a safe and efficient traffic circulation system.
- Goal 8 Have Concord be among the safest cities of comparable size in California and have citizens feel safe in their homes, places of work, and throughout the City.
- Goal 9 Maintain City parks, recreation facilities, streets, buildings, and other infrastructure to meet high standards of condition and appearance.
- Goal 10 Guide Concord's development according to the General Plan and manage physical resources based on sound environmental principles.

Exhibit 2

Concord's Mission, Vision, and Values

MISSION, VISION AND VALUES

City of Concord Organizational Mission Statement

Our mission is to join with our community to make Concord a city of the highest quality. We do this by providing responsive, cost effective and innovative local government services.

Our Vision for the Future

- ❖ We will be a customer based, performance driven, results oriented organization, focused on finding the answer, solving the problem, and achieving positive outcomes.
- ❖ We will partner with the Concord community to maximize resources, deliver high quality services, and be recognized as setting the standard for excellence.
- ❖ We will be trustworthy guardians of the public's resources.
- ❖ We will make Concord a premier business location.
- ❖ We will collaborate to provide "seamless" services that benefit both our external and internal customers, streamlining our work processes and removing barriers wherever they arise.
- ❖ We will accept the challenge of change and be committed to continually enhancing the safety, environment, quality of life, and economic vitality of our community.
- ❖ We will constantly look for new and better ways to deliver services. We will seek to be innovative, take reasonable risks, learn from our mistakes and always strive for excellence.
- ❖ We will welcome diversity in our community and our work place.
- ❖ We will conduct our work in an atmosphere of trust, respect and courtesy with open doors and open communication for our customers and each other.
- ❖ We will provide ethical, dynamic and effective leadership, establish clear direction and priorities, and model the mission and values in support of our common Vision.
- ❖ We will be accountable for our performance and our organization's success, and be recognized for our achievements.

Organizational Values

Integrity and Trust

We say what we mean and mean what we say. We honor our word and keep our commitments. We are worthy of the public's and each other's trust.

Commitment to Service

We put our customers first. We respond to our internal customers and treat them with the same courtesy and respect as our external customers. We facilitate, enable, and problem-solve.

Partnerships

We place a high value on building partnerships with members of our community to assure we understand their needs and continue to deliver the services they desire in the most effective manner possible.

Innovation and Continuous Improvement

We strive for excellence in the quality and productivity of our work. We create a work environment in which we look for new solutions and experiment with innovative ways to do things—even if they don't always work the first time. We recognize the need to be dynamic in meeting the community's changing needs. Each and every employee is given the opportunity to develop and grow.

Performance Accountability

We set measurable performance goals which support the priorities of the City and our individual work groups. We are given the necessary authority, training and resources to enable us to achieve these goals. Performance reviews are conducted in a timely and effective manner. Employee advancement and other incentives are based on performance. We are proud of the professionalism, competency and dedication that exist throughout the organization.

Long Range Planning

We conduct long range strategic and financial planning to maximize service delivery and build the economic stability of the City. We practice sound fiscal management to protect the public's resources.

Team Work

We respect each other as individuals, and we take the time and effort to show it. Although certain positions have more decision-making authority, we treat all members of the organization with the same consideration for their ideas and concerns. We really listen to, and give each other honest feedback. We recognize partnerships among work groups and employees as essential to effectively maximizing resources and delivering high quality services.

Individual Worth and Diversity

We recognize and appreciate the uniqueness of each individual. We value the contribution made and the synergy created by different experiences and perspectives. We are committed to treating each and every person within the organization and the larger community with respect and dignity.

Exhibit 3

Concord Municipal Code for all Boards and Commissions

BOARD OF APPEALS

Composition: 5 Members

Term: Two Years

Membership Requirements: Members of the Board of Appeals shall be residents of Concord or of Concord's sphere of influence who hold no other municipal office in Concord and are not employees of the City of Concord. The Board shall be qualified by experience and training to pass upon matters pertaining to building construction.

Example of Duties: Provide interpretations of State Law and the Uniform Codes pertaining to construction standards, determine suitability of alternate materials and methods of construction; hear appeals of orders, decisions or determinations made by the City Building Official. Decisions of the Board shall be final and are not appealable to the City Council.

Conflict of Interest Requirements: The City's Conflict of Interest Code requires the Board of Appeals members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 30 days of assuming office and on an annual basis.

Meeting Times and Places: Meetings are held on an infrequent basis.

CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 (Pertaining to Board of Appeals) **City Boards, Commissions and Committees**

Sec. 2-291. Established; membership; compensation of members.

There is hereby created a Board of Appeals, which shall consist of five members to be appointed by the City Council. Members of the Board of Appeals shall be residents of the city or of the city's sphere of influence who hold no other municipal office in the city and are not employees of the city. The Board shall be qualified by experience and training to pass upon matters pertaining to building construction. The basis and amount of any compensation which may be paid to members of the Board of Appeals shall be set by resolution of the City Council.

(Code 1965, § 2446; Ord. No. 91-2; Ord. No. 93-7)

Sec. 2-292. Purpose and intent.

The general purpose of the Board of Appeals is to hear and decide appeals of orders, decisions, or determinations made by the city Building Official on the application and interpretation of state laws and uniform codes.

(Code 1965, § 2447; Ord. No. 91-2)

Sec. 2-293. Terms of members; absence from meetings.

Members shall serve at the pleasure of the City Council for two years. Any member who absents himself from three consecutive meetings of the Board of Appeals without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member.

(Code 1965, § 2448; Ord. No. 91-2; Ord. No. 99-1)

Sec. 2-294. Rules of procedure; designation of committees and task forces.

The Board of Appeals shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces. Such resolutions shall not be effective until approved by the City Council.

(Code 1965, § 2449; Ord. No. 91-2)

Sec. 2-295. Vacancies.

All vacancies occurring on the Board of Appeals shall be filled according to the method of their original selection.

(Code 1965, § 2450; Ord. No. 91-2)

Sec. 2-296. Powers and responsibilities.

(a) The Board of Appeals shall have the responsibility of carrying out the following functions:

(Code 1965, § 2451; Ord. No. 91-2)

(1) Provide reasonable interpretation of the provisions of state law and uniform codes adopted by the city pertaining to construction standards;

(Code 1965, § 2451; Ord. No. 91-2)

(2) Determine the suitability of alternate materials and methods of construction; and

(Code 1965, § 2451; Ord. No. 91-2)

(3) Hear appeals of orders, decisions, interpretations, or determinations made by the city Building Official under state laws and uniform codes adopted by the city pertaining to construction standards.

(Code 1965, § 2451; Ord. No. 91-2; Ord. No. 93-7)

(b) Decisions of the Board shall be final and are not appealable to the City Council.

(Code 1965, § 2451; Ord. No. 93-7)

Sec. 2-297. Limitation on responsibilities.

In accordance with state law and uniform codes, the authority of the Board of Appeals shall be limited as follows:

(Code 1965, § 2452; Ord. No. 91-2; Ord. No. 93-7)

(1) The Board shall have no authority to interpret appeals of the administrative provisions of state law or the uniform codes; and

(Code 1965, § 2452; Ord. No. 91-2)

(2) The Board shall have no authority to grant appeals which waive requirements of state law or the uniform codes or grant variances to the state law or uniform codes.

(Code 1965, § 2452; Ord. No. 91-2; Ord. No. 93-7)

COMMISSION ON AGING

Composition: 11 Members

Term: Two Years

Membership Requirements: Resident of Concord holding no other municipal office in the City of Concord. At least 51% of the members shall be over the age of 60.

Example of Duties: Attend and participate in the Contra Costa Advisory Council on Aging subcommittees to identify the unmet needs of older persons and evaluate the effectiveness of existing programs and laws; act as a resource to all City boards and commissions; develop an annual work program, including short and long term goals.

Meeting Times and Places: 3rd Wednesday of each month at 1:30 p.m. at the Concord Senior Center, Classroom B, 2727 Parkside Circle.

CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 (Pertaining to Commission on Aging) City Boards, Commissions and Committees

Sec. 2-321. Established; membership; compensation of members.

There is hereby created a Commission on Aging which shall consist of not more than 11 voting members to be appointed by the City Council. Members of the Commission on Aging shall be residents of the city. At least 51 percent of the membership shall be over the age of 60 years. The basis and the amount of any compensation which may be paid to the members of the Commission on Aging shall be determined by resolution of the City Council.

(Code 1965, § 2453; Ord. No. 91-1; Ord. No. 92-19)

Sec. 2-322. Purpose and intent.

(a) The city desires to act as a line of communication between its senior citizen population, public and private organizations, and other advisory bodies to assure that government action is responsive to the needs of older persons.

(Code 1965, § 2454; Ord. No. 91-1)

(b) There is a need to establish a visible and officially responsible body within the city to:

(Code 1965, § 2454; Ord. No. 91-1)

(1) Encourage county and state agencies to identify unmet needs of older persons and available resources by providing a means for citywide planning in coordination of individuals and groups interested in improving and developing services and opportunities for senior citizens.

(Code 1965, § 2454; Ord. No. 91-1)

(2) Plan, promote, and recommend changes to the existing programs and laws that have a direct bearing on the dignity, freedom, and security of older persons to independently manage their own lives.

(Code 1965, § 2454; Ord. No. 91-1)

- (3) Enlist the participation of community groups and individuals in implementing actions which improve resources.

(Code 1965, § 2454; Ord. No. 91-1)

Sec. 2-323. Terms of members; absence from meetings.

Members shall serve at the pleasure of the City Council for staggered terms of two years. The City Council reserves the right to make initial appointments for three-year terms to establish the staggered terms. Any member who absents himself from three consecutive meetings of the Commission on Aging without being excused will be deemed to have resigned from the Commission on Aging and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2455; Ord. No. 91-1)

Sec. 2-324. Rules of procedure; designation of committees and task forces.

The Commission on Aging shall adopt rules of procedure on the conduct of its business and may designate ad hoc committees and ad hoc task forces composed of its membership.

(Code 1965, § 2456; Ord. No. 91-1)

Sec. 2-325. Vacancies.

All vacancies occurring on the Commission on Aging shall be filled according to the method of their original selection and the new member shall serve at the pleasure of the City Council for the unexpired term of their respective predecessors.

(Code 1965, § 2457; Ord. No. 91-1)

Sec. 2-326. Powers and responsibilities.

The Commission on Aging shall have the responsibility of carrying out the following functions:

(Code 1965, § 2458; Ord. No. 91-1)

- (1) Attend and participate in the county Advisory Council on Aging subcommittees to identify the unmet needs of older persons and evaluate the effectiveness of existing programs and laws.

(Code 1965, § 2458; Ord. No. 91-1)

- (2) Act as a resource to all city boards and commissions. The Commission on Aging members will attend the meetings of those boards and commissions as needed.

(Code 1965, § 2458; Ord. No. 91-1)

- (3) Develop an annual work program establishing short- and long-term goals in order of priority which will be effective upon approval of the City Council.

(Code 1965, § 2458; Ord. No. 91-1)

- (4) Such other functions that the City Council may, from time to time, designate.

(Code 1965, § 2458; Ord. No. 91-1)

COMMUNITY SERVICES COMMISSION

Composition: 9 Members

Term: Two Years

Membership Requirements: Resident of Concord holding no other municipal office in the City of Concord. Members shall be representative of the general public and the religious, racial, age, sex, disabled and ethnic groups in the City of Concord.

Example of Duties: Make recommendations to the City Council on the allocation of General Fund monies for human services and the expenditure of Federal Community Development Block Grant monies for a variety of projects; identify housing, neighborhood and social service needs within the community; monitor the performance of funded programs.

Conflict of Interest Requirements: The City's Conflict of Interest Code requires the Community Services Commission members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 30 days of assuming office and on an annual basis.

Meeting Times and Places: 3rd Wednesday of each month (more often during the Spring) at 6:00 p.m. in the Engineering Conference Room, 1957 Parkside Drive.

CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 (Pertaining to Community Services Commission)

City Boards, Commissions and Committees

Sec. 2-351. Established; membership; compensation of members.

There is hereby created a Community Services Commission, which shall consist of not more than 9 members to be appointed by the City Council. Members of the Commission shall be residents of the city or the city's sphere of influence who hold no other municipal office in the city. The members shall be representative of the general public and the religious, racial, age, sex, disabled, and ethnic groups in the city. The basis and amount of compensation which may be paid to the members of the Commission shall be set by resolution of the City Council.

(Code 1965, § 2434; Ord. No. 87-35; Ord. No. 91-2; Ord. No. 92-19; Ord. No. 05-7)

Sec. 2-352. Purpose and intent.

The city seeks to develop a viable urban community in the city, including providing decent housing and a suitable living environment with expanded economic opportunities for its residents. To carry out this objective, the city maintains programs to fund housing efforts, neighborhood public improvements, and community services. There is a need to establish a visible and officially responsible commission within the city to:

(Code 1965, § 2435; Ord. No. 87-35)

- (1) Assess need in the community for assistance to these programs;

(Code 1965, § 2435; Ord. No. 87-35)

- (2) Advise the City Council on the allocation of resources to programs addressing identified needs; and

(Code 1965, § 2435; Ord. No. 87-35)

- (3) Evaluate and monitor the performance of such programs.

(Code 1965, § 2435; Ord. No. 87-35)

Sec. 2-353. Terms of members; absence from meetings.

Members shall serve at the pleasure of the Council for two years. Any member who absents himself from three consecutive meetings of the Commission without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in place of the absent member.

(Code 1965, § 2436; Ord. No. 87-35; Ord. No. 91-2)

Sec. 2-354. Rules of procedure; designation of committees and task forces.

The Community Services Commission shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces. Such resolutions shall not be effective until approved by the City Council.

(Code 1965, § 2437; Ord. No. 87-35; Ord. No. 91-2)

Sec. 2-355. Vacancies.

All vacancies occurring on the Commission shall be filled according to the method of their original selection, and the new members shall serve at the pleasure of the Council for the unexpired term of their respective predecessors.

(Code 1965, § 2438; Ord. No. 87-35; Ord. No. 91-2)

Sec. 2-356. Powers and responsibilities.

The Commission shall have the responsibility of carrying out the following functions:

(Code 1965, § 2439; Ord. No. 87-35; Ord. No. 91-2)

- (1) Evaluate the needs of the community for housing, neighborhood improvement, and community services;

(Code 1965, § 2439; Ord. No. 87-35)

- (2) Analyze alternative ways to meet identified needs in light of the available resources and other possibilities for coordination and cooperation with private funding sources and other public agencies;

(Code 1965, § 2439; Ord. No. 87-35)

- (3) Recommend an annual budget to the City Council for the expenditure of general fund monies for human services and the expenditure of federal community development block grant monies for a variety of projects;

(Code 1965, § 2439; Ord. No. 87-35)

- (4) Evaluate and monitor the performance of human service funded agencies and community development block grant projects; and

(Code 1965, § 2439; Ord. No. 87-35)

- (5) Such other functions that the City Council may from time to time designate.

(Code 1965, § 2439; Ord. No. 87-35)

DESIGN REVIEW BOARD

Composition: 5 Members

Term: Two Years

Membership Requirements: The board shall consist of one (1) member of the Concord Planning Commission, appointed by the Planning Commission; three (3) design professionals, e.g., architects, landscape architects, urban designers, building designers, at least one (1) of whom shall be a professional licensed architect, appointed by the City Council; and one (1) public member, who shall be a resident of Concord, with experience or training in design concepts, appointed by the City Council.

Example of Duties: Review the design of each improvement for which a building permit, certificate, or other approval is required and any matter referred to the Board by the Planning Commission, Zoning Administrator, or Planning Manager, except as provided in Section 10894A of the Concord Municipal Code.

Meeting Times and Places: 2nd and 4th Thursday of each month at 7:00 p.m. in the Permit Center Conference Room, 1950 Parkside Drive.

Conflict of Interest Requirements: The City's Conflict of Interest Code requires Design Review Board members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 10 days of assuming office and on an annual basis.

Compensation: Design Review Board members receive \$50 per regular or special meetings for a maximum of six meetings per month. (Resolution No. 85-9)

CONCORD MUNICIPAL CODE, ARTICLE X, CHAPTER 8 (9) (Pertaining to Design Review Board) Design Review Board and Procedures

Section 10890. Adoption of Design Review. There is hereby adopted a procedure for the review of the design for all buildings, structures, and improvements requiring a building permit in the City of Concord, except as provided in Section 10894 A.
(Ords. 926, 1171)

Section 10891. Findings. The City Council hereby finds that poor or inappropriate exterior design of improvements to real property adversely affects the health, safety, and welfare of the residents of the City of Concord by having one (1) or more of the following effects:
(Ords. 926, 1171)

A. The desirability of other properties within the vicinity for the uses for which they are zoned is adversely affected;
(Ords. 926, 1171)

B. The benefits of occupancy of other property in the vicinity are impaired;
(Ords. 926, 1171)

C. Property values within the vicinity do not retain their stability;
(Ords. 926, 1171)

D. The most appropriate development of other properties within the vicinity is impaired;
(Ords. 926, 1171)

E. The maintenance or improvement, or both, of surrounding properties is discouraged with the result that these properties degenerate and there is an accompanying deterioration of conditions which affect the health, safety, comfort, and general welfare of the inhabitants of the area and the inhabitants of the City at large;
(Ords. 926, 1171)

F. The proper relationship between the taxable value of real property in the vicinity and the cost of municipal services to these properties are destroyed;
(Ords. 926, 1171)

G. The unsightliness which exists causes a decrease in the value of surrounding properties.
(Ords. 926, 1171)

Section 10892. Declaration of Purpose. The purpose of this chapter is to recognize the interdependence of land values and aesthetics and to provide a method by which the following goals can be achieved:
(Ords. 926, 1171)

A. Promotion of sound land use development;
(Ords. 926, 1171)

B. Assist in establishing high standards for the development of buildings, landscaping, and other improvements in the City of Concord.
(Ords. 926, 1171, 85-55)

Section 10893. Creation of Design Review Board.

A. **Number of Members.** There is hereby created a Design Review Board, hereinafter referred to as "Board", which shall consist of no more than five (5) members.
(Ords. 926, 1171, 87-38, 92-19)

1. **Composition of Board.** At all times, the Board shall consist of at least one (1) of the following members:
(Ords. 87-38, 92-19, 96-1)

a. One (1) member of the Concord Planning Commission, appointed by the Planning Commission;
(Ords. 926, 1171, 87-38, 92-19, 96-1)

b. Three (3) design professional, e.g., architects, landscape architects, urban designers, building designers, at least one (1) of whom shall be a professional licensed architect, appointed by the City Council;
(Ords. 926, 1171, 87-16, 87-38, 92-19, 96-1)

c. One (1) public member, who shall be a resident of Concord, with experience or training in design concepts, appointed by the City Council.
(Ords. 926, 1171, 87-38, 92-19, 96-1)

B. **Term of Office.** The term of office for the Board members shall be two (2) years, unless sooner terminated by reason of death, resignation, disqualification, or other cause.
(Ords. 926, 1171)

C. **Time of Regular Meetings.** The Board shall meet not less than once a month at the F. A. Stewart Civic Center, 1950 Parkside Drive, Concord, at a time and date to be designated by the Board.
(Ords. 926, 990, 1171, 93-7)

D. **Appointment of Officers.** The Board shall appoint a Chair and Vice-Chairman. The Chair and Vice-Chair serve for a term of one (1) year or until the successor of each is appointed and takes office.
(Ords. 926, 1171, 93-7)

E. **Secretary.** The Chief of Planning shall appoint a person to serve as Secretary of the Board.
(Ords. 926, 1171, 93-7)

F. **Adoption of Rules.** The Board shall adopt rules for the transaction of its business.
(Ords. 926, 1171)

G. **Board Records.** The Board shall keep a public record of its resolutions, transactions, findings, and determinations.
(Ords. 926, 1171)

H. **Quorum.** A quorum consists of three (3) members of the five (5) positions on the Board.
(Ords. 1171, 87-38, 92-19, 93-7)

I. **Duties of Officers.**

1. **Chair.** The Chair shall preside at all meetings of the Board and shall perform the duties necessary or incidental to the office.
(Ords. 926, 1171, 93-7)

2. **Vice-Chair.** The Vice-Chair is Chair in the absence of the Chair or in case of the inability of the Chair to participate in the proceedings.
(Ords. 926, 1171, 93-7)

3. **Secretary.** The Secretary shall record official actions by the Board. The Secretary shall maintain records and shall perform such other duties as assigned.
(Ords. 926, 1171, 93-7)

J. **Compensation.** The basis and amount of compensation to be paid to members of the Design Review Board shall be established by resolution of the City Council.
(Ords. 990, 1171, 93-7)

K. **Subcommittees.** The Board may establish subcommittees as needed to fulfill its duties.
(Ord. 93-7)

L. **Attendance.** Failure to attend three (3) consecutive meetings will result in dismissal from the Board, unless the member has been otherwise excused by the Chair.
(Ord. 93-7)

Section 10894. Improvements Subject to Design Review.

A. The Board shall review the design of each improvement for which a building permit, certificate, or other approval is required and any matter referred to the Board by the Planning Commission, Zoning Administrator, or Chief of Planning, EXCEPT:
(Ords. 926, 1171, 93-7)

1. Detached single family residences, appurtenances, accessory improvements, and additions or repairs to them, unless:
(Ords. 926, 1171, 90-22)

a. The Planning Commission or Zoning Administrator requires Design Review Board approval as a condition of approval of a parcel map or tentative subdivision map pursuant to Section 10745 of this Code; or
(Ords. 90-22, 93-7)

b. The Planning Commission or Zoning Administrator, in approving a parcel map, tentative map, use permit, Zoning Administrator's permit or variance, finds that review and approval by the Design Review Board is necessary to assure that the new development is sensitive to, and compatible with, existing neighborhoods; or
(Ords. 90-22, 93-7)

c. Design Review Board approval is required pursuant to the Hillside Development Ordinance or is a condition of approval of a hillside development plan.
(Ord. 93-7)

2. Additions or repairs to any existing improvement if the exterior thereof is not to be altered.
(Ords. 926, 1171)

3. Additions or repairs to an existing building or other improvement if the total value of additions and repairs to such improvements does not exceed Ten Thousand Dollars (\$10,000.00) in any twelve (12) month period and if the Chief of Planning finds that the design is complementary to the existing building and will not be deleterious to development in the general area.
(Ords. 926, 1171, 93-7)

4. Improvement(s) in any twelve (12) month period having a total value of more than Ten Thousand (\$10,000.00) but less than Two Hundred Thousand Dollars (\$200,000.00) if the Chief of Planning finds the project is of low public visibility and/or low potential for adverse visual impact.
(Ords. 926, 1171, 93-7)

5. Signs or other graphics may be reviewed by a subcommittee of the Board if such subcommittee is authorized by the Design Review Board.
(Ords. 926, 1171, 93-7)

6. Projects for which the Design Review Board has delegated specific review authority to the staff of the Planning Division.
(Ord. 93-7)

7. Any improvement which the Chief of Planning finds is of such a size, location, and/or design that it will be a positive influence on, and/or will be complementary to, development in the general area and finds that the purpose and intent of this chapter will not be nullified by waiving a formal Design Review Board hearing.
(Ord. 93-7)

B. The term "improvement," as used in this chapter, shall be liberally interpreted and shall include the construction, alteration, and repair of all buildings, structures, and facilities permanently affixed to real property and appurtenances thereto. No improvement subject to design review shall hereafter be constructed, located, repaired, altered, or thereafter maintained, except in accordance with a design approved as provided in this chapter.
(Ords. 926, 1171)

Section 10895. Application for Design Review.

A. An application for design review shall be made to the Planning Division, in writing, on a form as may be prescribed by the Chief of Planning. The application shall be accompanied by a filing fee according to the schedule set forth in the Resolution Establishing Fees and Charges for Various Municipal Services. The application shall also include all information necessary for compliance with City and State requirements for environmental review (unless an environmental action for the project has already been taken) and plans, information, and displays as may be required by the Chief of Planning necessary to fully evaluate the proposed development.
(Ords. 926, 1131, 1170, 1171, 85-55, 93-7)

B. All applications for design review shall be reviewed by the Planning Division prior to being scheduled for review by the Design Review Board. Any application which is found not to be complete or is found to be in conflict with this Code, including the purposes of this chapter, as stated in Section 10892, or any permits or variances granted in connection with the development shall not be scheduled for review by the Board until all necessary information or plans have been provided and any such conflicts have been resolved. Staff shall notify the applicant, in writing, of any deficiency or conflict within thirty (30) calendar days of filing of an application.
(Ords. 85-55, 93-7)

Section 10896. Evaluation. The Design Review Board shall examine the material submitted with the application by considering the following aspects for conformance with the purpose of this ordinance: (Ords. 926, 1171)

A. General site utilization considerations.
(Ords. 926, 1171)

B. General architectural considerations:
(Ords. 926, 1171)

1. Height, bulk, and area of buildings;
(Ords. 926, 1171)

2. Colors and types of buildings and installations;
(Ords. 926, 1171)

3. Physical and architectural relation with existing and proposed structures in the area and to the site's location within the City;
(Ords. 926, 1171)

4. Site layout, orientation and location of buildings, and relationship with open areas and topography;
(Ords. 926, 1171)

5. Height, materials, colors, and variations in boundary walls, fences, or screen planting;
(Ords. 926, 1171)

6. Location and type of landscaping, including but not limited to setback areas and the project's off-street parking areas; and
(Ords. 926, 1171)

7. Appropriateness of sign design and exterior lighting.
(Ords. 926, 1171)

C. General landscape considerations.
(Ords. 926, 1171)

D. Graphics.
(Ords. 926, 1171)

E. City of Concord Community Design Guidelines.
(Ord. 93-7)

Section 10897. Final Plan. When the Board has approved the information required of Section 10895, the applicant may submit working drawings to the City with an application for a building permit. These drawings shall be referred to the Planning Division to assure their conformance to the plans approved by the Board and any conditions which were a part of that approval.
(Ords. 926, 1171, 93-7)

Section 10898. Appeals.

A. An applicant may appeal any determination that an application is not complete or is in conflict with this Code, including the purposes of this chapter as stated in Section 10892, or any permits or variances granted in connection with the development. Such appeal shall be made to the Design Review Board by filing a written appeal, on a form prescribed by the Chief of Planning, with the Planning Division within ten (10) calendar days of notification of a deficiency or conflict. The appeal form shall be accompanied by the fee as set forth in the Resolution Establishing Fees and Charges for Various Municipal Services. Notice of hearing by the Board on any such appeal shall be given pursuant to Section 10819 A of this Code. Action on the appeal by the Board may be appealed to the Planning Commission pursuant to Section 2902 of this Code.
(Ords. 926, 1171, 85-55, 93-7)

B. Any interested party may appeal a decision of the Design Review Board to the Planning Commission pursuant to Section 2901 of this Code.
(Ords. 85-55, 93-7)

Section 10899. Prohibitions. No building permit, license, certificate, or other approval or entitlement shall be issued or given by the City or any department or employee thereof with respect to any improvement subject to design review until the design of the improvement has been approved as provided in this chapter. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to design review hereunder, unless and until the representative of the Planning Division has certified that the improvement has been completed in accordance with the design approved pursuant to this chapter.
(Ords. 926, 1171, 93-7)

Section 10899.1. Nuisance. Any improvement constructed, located, repaired, altered, or maintained contrary to the provisions hereof is hereby declared to be unlawful and a public nuisance.
(Ords. 926, 1171)

Section 10899.2. Other Duties of the Board. The Board shall review the design of all improvements to be constructed to the extent permitted by law, or by the agencies involved, by school districts, and other governmental agencies or districts. Such review shall be conducted with reference to the criteria and factors set forth in Section 10896 hereof; and following such review, the Committee shall submit a written report of its recommendations and comments to the body proposing to construct the improvement.
(Ords. 926, 1171)

Section 10899.3. Other Ordinances Not Affected. Nothing in this chapter shall be construed to exempt any applicant from compliance with any requirement of any other ordinance of this City or amend any such other ordinance.
(Ords. 926, 1171)

Section 10899.4. Severability. If a section, subsection, sentence, clause, phrase, or portion of this chapter is invalid, the invalidity does not affect the validity of the remaining portion of it, continues in effect irrespective of the fact that a section, subsection, sentence, clause, phrase, or portion is declared invalid.
(Ords. 926, 1171)

Section 10899.5. Approval of Building Permit Plans. Whenever any building or structure within the City is erected, constructed, altered, improved, repaired, or demolished pursuant to a permit issued by the Building Division of the Public Works Department and the work called for either creates a new structure or building, or alters or expands the exterior configuration of an existing structure, the plans and specifications required for said building permit must be approved as to Design Review Board conditions, as well as to planning and zoning requirements by the Planning Division. If any permit is issued based on plans or other submittals by the applicant or his/her representative which are contrary to the Design Review Board's approval, the applicant shall be responsible for correcting any work done under such permit in order to bring it into conformance with said Board's approval.

(Ords. 1131, 1171, 93-7)

Section 10899.6. Checking Conditions Imposed on Plans. Whenever any proposed use or property has been approved and the approving agency has imposed conditions which must be reflected by a modification in plans and specifications, said plans and specifications must be resubmitted to the Planning Division for approval.

(Ords. 1131, 1171, 93-7)

Section 10899.7. Fee. Whenever any plans are checked by the Planning Division pursuant to Sections 10899.5 and 10899.6 above, a filing fee shall be charged according to the schedule as set forth in the Resolution Establishing Fees and Charges for Various Municipal Services.

(Ords. 1131, 1170, 1171, 93-7)

PM5940.DRB

HUMAN RELATIONS COMMISSION

Composition: 7 Members

Term: Two Years

Membership Requirements: Residents of Concord who hold no other municipal office in the City of Concord. Members shall be generally representative of the general public and the religions, racial, age, sex, disabled, and ethnic groups in the City of Concord. Two of the members must be women.

Example of Duties: The Human Relations Commission fosters equal opportunity, mutual understanding, and respect among all persons. The Commission also seeks to support rights of all persons to be free from all forms of discrimination in Concord prohibited by State and Federal law. Commission members study, investigate, and mediate problems arising from alleged discrimination. The panel also initiates activities and distributes educational materials to promote improved human relations.

Meeting Times and Places: 1st Monday of each month at 7:00 p.m. in the Council Chamber of the Farrel A. Stewart Civic Center. In the event the first Monday is a holiday, the meeting will be held on the second Monday. Meetings are televised live on Comcast Broadband Channel 28 and Astound! Broadband Channel 29.

CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 (Pertaining to Human Relations Commission) City Boards, Commissions and Committees

Sec. 2-381. Established; membership; compensation of members.

There is hereby created a Human Relations Commission (HRC), which shall consist of not more than seven voting members to be appointed by the City Council. Members of the HRC shall be residents of the city who hold no other municipal office in the city. The members shall be generally representative of the general public and the religious, racial, age, sex, disabled, and ethnic groups in the city. At least two (2) members of the HRC shall be women. The basis and amount of compensation which may be paid to the members of the HRC shall be by resolution of the City Council.

(Code 1965, § 2422; Ord. No. 86-22; Ord. No. 92-19; Ord. No. 05-7)

Sec. 2-382. Statement of policy.

The city is dedicated to the rights of all persons to live, work, and prosper in the community, and it is the policy of the city that all persons shall have an equal opportunity to be free from all forms of discrimination prohibited by state and federal law.

(Code 1965, § 2423; Ord. No. 86-22)

Sec. 2-383. Purpose and intent.

The city finds that it is contrary to the principles of this country to tolerate any form of sexual discrimination, racism, bigotry, or prejudice and therefore creates an advisory commission to encourage and foster an environment of mutual understanding and respect between all persons. The city also finds that it is desirable to encourage and foster opportunities for all citizens and develop

programs that will educate the community regarding the challenges faced by all persons who have confronted sexual discrimination, racism, bigotry, or prejudice. There is a need to establish a visible and officially responsible body within the city to:

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

- (1) Support the rights of all persons to be free from all forms of discrimination prohibited by state and federal law;

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

- (2) Develop a program of positive human relations through greater community education and understanding;

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

- (3) Encourage private persons, groups, and organizations to promote better human relations and equal opportunity.

(Code 1965, § 2424; Ord. No. 86-22; Ord. No. 05-7)

Sec. 2-384. Terms of members; absence from meetings.

Members shall serve at the pleasure of the Council for two-year terms; provided, however, that for the purpose of establishing staggered terms, three of the seven appointments shall be for an initial term of three years. Any member who absents himself from three consecutive meetings of the Human Relations Commission without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2425; Ord. No. 86-22; Ord. No. 94-5)

Sec. 2-385. Rules of procedure; designation of committees and task forces.

The HRC shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces composed of its membership. Such resolution shall not be effective until approved by the City Council.

(Code 1965, § 2426; Ord. No. 86-22; Ord. No. 05-7)

Sec. 2-386. Vacancies.

All vacancies occurring on the HRC shall be filled according to the method of their original selection, and the new members shall serve at the pleasure of the Council for the unexpired term of their respective predecessors.

(Code 1965, § 2427; Ord. No. 86-22)

Sec. 2-387. Powers and responsibilities.

The HRC shall have the responsibility of carrying out the following functions:

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

- (1) Foster equal opportunity, mutual understanding, and respect between all persons and eliminate all forms of discrimination prohibited by state and federal law.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

- (2) Study, investigate, mediate, and hold public hearings on problems in the city which arise from discrimination prohibited by state and federal laws.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(3) Investigate and mediate incidents of discrimination to the extent such functions are not preempted or prohibited by the California Fair Employment and Housing Commission or any federal or state agency.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(4) Prepare and disseminate educational and informational material relating to all forms of discrimination and way and means of eliminating same.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(5) Initiate and encourage educational and other appropriate activities.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(6) Furnish information, guidance, and technical assistance to, and cooperate with, other public agencies, private persons, organizations, and institutions engaged in activities and programs intended to eliminate all forms of prejudice and discrimination.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(7) Consult and maintain contact with other public agencies, community organizations concerned with interracial, inter-religious, intercultural, and gender-based understanding, and such other private organizations and institutions to further the objective of eliminating discrimination.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(8) By persuasion and conference, seek voluntary solutions (such as the use of conflict resolution techniques) designed to discourage and prevent all forms of discrimination.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(9) Gather information and data and provide written reports to the City Council, not less than annually on the development of programs and practices which further the objectives.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(10) Develop an annual work plan to guide the Commission in its deliberation and activities.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(11) Such other duties as the Council may direct.

(Code 1965, § 2428; Ord. No. 86-22; Ord. 05-7)

(12) Initiate, review, report, and recommend to the City Council on Human Services issues. Human Services issues include women's issues, mental health, senior citizen issues, crisis intervention, drug abuse prevention, child welfare, and other areas referred to the Commission by the City Council.

(Code 1965, § 2428; Ord. No. 87-35; Ord. 05-7)

MOBILEHOME RENT REVIEW BOARD

Composition: 3 Members

Term: Two Years

Membership Requirements: Members of the Board cannot be mobilehome owners, park owners, or park managers. Members of the Board cannot concurrently serve on other City boards, commissions or committees.

Purpose: The purpose of the Mobilehome Park Rent Review Board as established in the Mobilehome Park Rent Stabilization Ordinance No. 94-13 is to hear petitions and make determinations related to mobilehome rent increases or reductions in service.

Meeting Times and Places: Meetings are held as needed.

Conflict of Interest Requirements: The City's Conflict of Interest Code requires Mobilehome Park Rent Review Board members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 10 days of assuming office and on an annual basis.

CONCORD MUNICIPAL CODE, ARTICLE IV, CHAPTER 9(8) Mobilehome Park Rent Stabilization (Section 4993 establishes the Rent Review Board)

Section 4990. Purpose and Findings.

A. The State of California has recognized, by the adoption of special legislation regulating tenancies of mobilehome owners in mobilehome parks (Civil Code Section 798 et seq.), that there is a significant distinction between the tenancies of mobilehome owners in mobilehome parks and other types of residential tenancies.
(Ord. 94-13)

B. There is presently, within the City of Concord and surrounding communities, a shortage of rental spaces for the location of mobilehomes, commensurate with the demand. This inequitable market situation has resulted in low vacancy rates and has contributed or threatens to contribute to rapidly escalating rents.
(Ord. 94-13)

C. Compared to conventional home ownership, mobilehome ownership is a lower cost form of home ownership which offers substantial benefits to mobilehome owners and to the community in the form of moderate cost housing. Mobilehome parks in the City represent an important component of the housing stock of the City, especially for senior citizens and persons of low and moderate incomes.
(Ord. 94-13)

D. Mobilehome owners, unlike apartment tenants or residents of other rental units, are in the unique position of having made a substantial investment in a residence which is located on a rented or leased parcel of land. Their investment commonly includes the purchase of the mobilehome and the cost of installing the mobilehome on its space and installing related improvements such as a foundation, carports, and integrated landscaping.

(Ord. 94-13)

E. In fact, "mobilehomes" are "immobile." The cost of moving mobilehomes is substantial. Park restrictions on the age, size, and/or style of mobile homes typically prevent the entry of mobile homes that are more than a few years old. Furthermore, vacant spaces are virtually non-existent in the mobile home parks within the metropolitan area. Mobilehomes are rarely moved after their initial placement in a particular park. Removal and/or relocation of a mobilehome from a park space is not a practical alternative to accepting an excessive rent increase in that it can only be accomplished at substantial cost, and in many instances may cause extensive damage to the mobilehome and loss of appurtenances such as integrated landscaping and supporting structures inconsistent with the new location.

(Ord. 94-13)

F. Minimum acreage requirements for parks severely reduce sites available for such development. Land use permit procedures give local zoning boards the discretion to reject applications for the construction of new parks. No new mobilehome parks have been built in Concord in the last twenty years.

(Ord. 94-13)

G. Due to the combination of a lack of vacant spaces and absence of any likelihood that new parks will be created, park owners have a virtual monopoly on the supply of mobilehome park spaces with virtually no possibility for increased competition.

(Ord. 94-13)

H. As a practical matter, mobilehome owners must sell their mobilehomes "in place" and persons who desire to move into mobilehome parks must purchase existing mobilehomes in order to move into a mobilehome park.

(Ord. 94-13)

I. If mobilehome space rents are not regulated, mobilehome owners may experience severe financial hardships since they do not have the option of moving their mobilehomes to spaces within the metropolitan area with lower rents. If space rents may be increased without limit upon a change in the ownership of a mobilehome, then the value of the mobilehome owners' investments may be severely reduced and mobilehome ownership may become financially unfeasible due to the precarious nature of the investment (e.g. it may not be recaptured upon resale).

(Ord. 94-13)

J. The existence of housing alternatives for mobilehome owners is largely dependent on the maintenance of their equities in their mobilehomes. They can relocate to other types of housing only if they can "relocate" their equity in their mobilehomes.

(Ord. 94-13)

K. Typically, the per space investments of mobilehome owners in their "immobile" homes and associated improvements are substantially greater than the per space investment of mobilehome park owners in the underlying land and the improvements associated with the construction of the park.

(Ord. 94-13)

L. A substantial portion of the residents in mobilehome parks in the City are senior citizens, persons on fixed incomes or persons of low or moderate income. The existing park spaces are predominantly occupied by retired elderly tenants who live on fixed incomes, in many cases their sole income is social security payments. These households would experience significant hardships if their rents were substantially increased.

(Ord. 94-13)

M. In recent years, in some of the mobilehome parks in the City, the rate of rent increases has been substantially in excess of the rate of increase in the cost of living (as measured by the Consumer Price Index).

(Ord. 94-13)

N. Problems associated with rapidly increasing mobilehome rents were brought to the City Council's attention as far back as February, 1979. Mobilehome owners at that time requested that the City adopt a

mobilehome rent stabilization ordinance. After investigation and the holding of meetings, several park owners voluntarily agreed to meet with mobilehome owners annually and to cooperate regarding rent increases and other grievances. Because the voluntary agreement was designed to resolve the differences between the park owners and home owners, the request for a mobilehome rent stabilization ordinance was tabled by the City Council.
(Ord. 94-13)

O. In July of 1983, mobilehome owners again petitioned the City Council for assistance in resolving ongoing problems between mobilehome owners and park owners including excessive rent increases. The mobilehome owners presented a proposed ordinance regulating rents. After study by the City Attorney's office and the Council Committee on Mobilehome Issues, and the holding of several meetings with various concerned parties, public hearings were noticed and held for the adoption of an ordinance regulating mobilehome rents. In October of 1984, after sixteen (16) months of discussion and negotiation, an agreement was reached between the City Council and the park owners which established procedures for resolution of disputes and provided a uniform mechanism for rent increases. The agreement was entered into by the park owners to avoid the adoption of an ordinance regulating rents.
(Ord. 94-13)

P. In December of 1987, a nine (9) member committee was formed to once again look into solutions for ongoing mobilehome rent issues. A draft accord was developed after lengthy negotiations. The accord went through numerous revisions based on the changing demands of the parties. Negotiations broke down in October of 1989, with the mobilehome owners once again requesting a mobilehome rent stabilization ordinance. In lieu of such an ordinance, in December of 1989 the City Council adopted an urgency ordinance continuing the terms of the previous agreement to January 31, 1990. The agreement was then continued an additional five (5) months.
(Ord. 94-13)

Q. Once again, in 1991, in response to concerns raised by mobilehome owners including escalating space rents, the City Council explored various alternatives including looking into the enactment of a Mobilehome Park Rent Stabilization Ordinance. A voluntary agreement was reached with a majority of park owners in the City of Concord, whereby the park owners would provide mobilehome owners with negotiated long-term leases. This voluntary agreement was entered into as an alternative to rent control.
(Ord. 94-13)

R. The existence of the long-term leases have not been effective in remedying the problems between the park owners and the mobilehome owners, and there is evidence that the park owners have in certain instances circumvented the purpose and intent of the leases. In January, 1994 in response to the problems in several mobilehome parks, the City Council appointed a committee to make recommendations to the City Council regarding rent stabilization. This Ordinance 94-13 was proposed following enactment of a temporary moratorium on rent increases.
(Ord. 94-13)

S. The City Council declares that it is now necessary in the public interest to establish a means by which to resolve the occasionally divisive and harmful impasse between park owners and mobilehome owners. After consideration of numerous factors, including the mandates of State law, regulations which best fit the needs of the City have been selected.
(Ord. 94-13)

T. After reviewing the evidence presented to the City Council, the City Council finds and declares it necessary, in the public interest, to protect mobilehome owners from unreasonable rent increases and other unreasonable practices by park owners. In fact, park owners have a "captive" market of mobilehome owners who cannot move their dwellings to other spaces.
(Ord. 94-13)

U. In the absence of mobilehome space rent regulations, park owners would have the power to convert (capitalize) mobilehome values into rental charges, since the mobilehomes are "immobile."
(Ord. 94-13)

V. At the same time, the City Council finds it necessary to permit rents which will enable park owners to obtain a fair return which is high enough to encourage good management, reward efficiency and discourage the flight of capital.
(Ord. 94-13)

W. Mobilehome space rent stabilization regulations are consistent with the City's General Plan policy to encourage a variety of housing types, prices and densities within the community, respond to the need to preserve existing housing stock including mobilehomes, increase opportunities for entry to home ownership status and assist in providing housing for low and very low income households.
(Ord. 94-13)

X. Mobilehome space rent stabilization regulations can assist in protecting affordable housing in combination with City programs and actions designed to reduce costs to the consumer which help to provide a variety of housing types within a range of costs to meet the needs of all income groups.
(Ord. 94-13)

Y. Mobilehome rent regulations have been enacted in over ninety (90) jurisdictions within the State of California in the past fifteen (15) years. The City Council is not aware of a single mobilehome park which has gone out of business as a result of imposition of mobilehome rent regulations.
(Ord. 94-13)

Z. The regulations set forth in this chapter are designed to produce stability in rent increases for mobilehome owners while recognizing the rights of mobilehome park owners to receive a just and reasonable return.
(Ord. 94-13)

AA. The City Council has approved a negative declaration as the appropriate environmental document and finds that the adoption of the ordinance codified in this chapter will not have a significant, substantial or adverse effect on the physical environment of the community because enactment of this chapter involves no deviation from the General Plan and no change in the present use of any property within the City.
(Ord. 94-13)

Section 4991. Definitions. For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:
(Ord. 94-13)

A. **Affected Mobilehome Owners.** All mobilehome owners in a mobilehome park who have been notified by the park owner that a rent increase is to become effective on the same date, or who have been otherwise made aware, in the absence of such notification, that a rent increase (including a reduction in housing service) has or is to become effective on the same date.
(Ord. 94-13)

B. **Base Space Rent.** The space rent charged and allowed as of January 1, 1994, plus any rent increase allowed thereafter pursuant to this chapter.
(Ord. 94-13)

C. **Capital Improvements.** The installation of new improvements and facilities or the replacement or reconstruction of existing improvements and facilities which consist of more than ordinary maintenance or repairs.
(Ord. 94-13)

D. **City Clerk.** The City Clerk of the City of Concord or the Clerk's designee.
(Ord. 94-13)

E. **Consumer Price Index (CPI).** The Consumer Price Index for all urban consumers for the San Francisco/Oakland/San Jose Area or, if the area designation is revised, for the area which encompasses Concord, (all items) index (1982-1984 equals 100) as reported by the U.S. Bureau of Labor Statistics.
(Ord. 94-13)

F. **Housing Services.** Includes those services provided and associated with the use or occupancy of a mobilehome space, including but not limited to repairs, insurance, maintenance, replacement, painting, light, heat, water, laundry facilities and privileges, refuse removal, parking, recreation facilities, security service and any other benefits, privileges or facilities for which the park owner expends money or consideration to provide.
(Ord. 94-13)

G. **Mobilehome.** A structure designed for human habitation which is transportable in one (1) or more sections along a street or highway, whether commonly referred to as a mobilehome, mobilehome coach, manufactured home or as a trailer.
(Ord. 94-13)

H. **Mobilehome Owner.** Any person owning a mobilehome who has a tenancy or right of use or occupancy of a mobilehome space in a mobilehome park.
(Ord. 94-13)

I. **Mobilehome Park.** An area of land where two (2) or more mobilehome spaces are rented, or held out for rent, or made available for use, to accommodate mobilehomes used for human habitation.
(Ord. 94-13)

J. **Mobilehome Park Owner or Park Owner.** The owner, lessor, or operator of a mobilehome park in the City.
(Ord. 94-13)

K. **Mobilehome Park Rent Review Board or Board.** The three (3) member Board appointed by the City Council of the City of Concord serving as the Mobilehome Park Rent Review Board.
(Ord. 94-13)

L. **Mobilehome Space or Space.** The site within a mobilehome park intended, designed or used for the location or accommodation of a mobilehome and any accessory structures or appurtenances attached thereto or used in connection therewith where public utilities are provided.
(Ord. 94-13)

M. **Rental Agreement or Lease.** An agreement entered into between the park management or owner and a mobilehome owner establishing the terms and conditions of a mobilehome park tenancy.
(Ord. 94-13)

N. **Service Reduction.** Any reduction in housing services which result in a cost savings to park owner without a corresponding reduction in the moneys demanded or paid for space rent. A service reduction may constitute a space rent increase.
(Ord. 94-13)

O. **Space Rent.** The total consideration, including any bonus, fees, surcharges, benefits or gratuity demanded or received in connection with the use or occupancy of a mobilehome space in a mobilehome park, or the transfer of a rental agreement of such mobilehome, or for housing services provided, and security deposits, but exclusive of any amount paid for the use of the mobilehome as a dwelling unit.
(Ord. 94-13)

P. **Space Rent Increases.** Any additional rent above the Base Space Rent which is demanded of or paid by a mobilehome owner or tenant for a mobilehome space including service reductions.
(Ord. 94-13)

Section 4992. Application of and Exceptions to Chapter Provisions - Vacancy Control.

A. All mobilehome spaces within the City shall be subject to the regulations contained herein, except those exempted by the provisions of this section.
(Ord. 94-13)

B. The following mobilehome spaces shall be exempt from the provisions of this ordinance.
(Ord. 94-13)

1. Mobilehome spaces which were constructed on or after January 1, 1990 in accordance with California Civil Code Section 798.45.
(Ord. 94-13)

2. Spaces whose rents are exempted from rent regulation because they are covered by a rental agreement meeting all of the requirements of Section 798.17 of the California Civil Code or are otherwise exempted from rent regulation by either State or Federal law.
(Ord. 94-13)

C. Nothing in this chapter shall operate to restrict the rents charged by a park owner in the case of voluntary termination, abandonment of coach in place, removal as a result of dealer pull-out, or eviction.
(Ord. 94-13)

D. In the case of an in-place sale of a mobilehome the initial maximum space rent to be charged the new mobilehome owner shall be the last space rent charged for that space prior to the sale.
(Ord. 94-13)

Section 4993. Hearing Process and Mobilehome Park Rent Review Board - Established. There is hereby created a City of Concord Mobilehome Park Rent Review Board ("Board") and rental dispute hearing process. The Board shall consist of three (3) voting members to be appointed by the City Council. Mobilehome owners, park owners and park managers shall not serve on the Mobilehome Park Rent Review Board. Members shall serve at the pleasure of the City Council for two (2) year terms. Implementing regulations shall be adopted by the City Council as it deems necessary to assist and direct the making of determinations consistent with the purposes of this ordinance.
(Ord. 94-13)

Section 4994. General Annual Adjustment. No space rent increases shall be permitted except as authorized by this ordinance.
(Ord. 94-13)

Once every twelve months, the park owner shall be permitted to increase the rent on mobilehome spaces covered by this ordinance sixty (60) percent of the percentage increase of the CPI for the twelve (12) month period ending ninety (90) days before such notice of rent increase is given provided, however, that the annual automatic increase shall be no more than five (5) percent of the base rent charged.
(Ords. 94-13, 97-7)

Except as provided in this chapter, any space rent increase, after January 1, 1994, which exceeds sixty (60) percent of the percentage increase of the CPI for the twelve (12) month period ending ninety (90) days before notice of such rent increase is given; or five (5) percent, whichever is less, above the base space rent; or any housing service reduction without a corresponding decrease in space rent shall be subject to review under the hearing process.

(Ords. 94-13, 97-7)

Section 4995. Space Rent Increases - Limit on Annual Increases. The space rent of any mobilehome space may not be increased more than once in any twelve (12) month period.

(Ord. 94-13)

Section 4996. Notice of Special Rent Increase. Any owner whose mobilehome park is subject to the provisions of this chapter and who seeks to increase rent in excess of the amount allowed as a general annual adjustment, or to reduce housing services without a corresponding reduction in space rent shall be required to file a Notice of Special Rent Increase with the City Clerk. The park owner shall provide a copy of the Notice of Special Rent Increase to all mobilehome owners subject to such rental increase. Concurrent with the filing of the Notice of Special Rent Increase the park owner shall file a declaration under penalty of perjury stating the amount of the rent increase sought, the current space rent, and that a copy of the Notice was delivered personally or by mail to each affected mobilehome owner. The names and addresses of all affected mobilehome owners shall be listed. Suggested forms are attached as Appendices B through D set out at the end of this chapter.

(Ords. 94-13, 97-7)

Section 4997. Hearing Process - Submission of Petition by Mobilehome Owners.

A. The rental dispute hearing process may be invoked by written petition of mobilehome owners representing ten (10) percent of the mobilehome spaces affected by a rent increase. The petition shall be filed with the City Clerk.

(Ord. 94-13)

B. In the petition the mobilehome owners shall designate an individual to serve as the mobilehome owner representative for the purposes of receipt of all notices, correspondence, decisions and findings of fact required in this chapter. Service of notice upon the designated mobilehome owner representative will constitute adequate and sufficient notice to the mobilehome owners who signed the petition. Failure to designate a mobilehome owner representative will render the petition incomplete and the petition will not be accepted for filing.

(Ord. 94-13)

C. The petition shall contain the printed name and address (i.e., space number) of each mobilehome owner whose rent is being increased, the date said mobilehome owner was given notice by the park owner, and the signature of each petitioning mobilehome owner. Appended to the petition shall be a copy of the notice given by the park owner (see Appendix A for suggested form of petition).

(Ord. 94-13)

1. For the purpose of counting petition signatures only, each mobilehome space for which a rent increase was noticed shall count as one (1) unit, regardless of the number of persons living in the mobilehome on said space.

(Ord. 94-13)

2. For the purpose of counting petition signatures only, any person over the age of 18 living in a given mobilehome may sign a petition on behalf of that mobilehome unit.

(Ord. 94-13)

Section 4998. Petitions - Form. The application for review must be filed on a petition form prescribed by the City Council or its designee and must be accompanied by such supporting material as the City Council or its designee shall prescribe including, but not limited to, a copy of the park owner's notice of space rent increase. The application shall be made under penalty of perjury and supporting documents shall be certified or verified as requested by the City.

Allegations of service reductions shall be submitted in writing. The burden of proof regarding such service reductions shall be on the person alleging such reductions. Suggested forms are attached hereto as Appendices A through C. (Ord. 94-13)

Section 4999. Notice - Filing Requirements. A notice by a park owner for a Special Rent Increase must be filed ninety (90) calendar days prior to the effective date of the increase stated in the notice to the affected mobilehome owners. The notice must be accompanied by a statement, signed by the park owner under penalty of perjury that there are no outstanding Health and Safety Code violations in the mobilehome park. An affected mobilehome owner shall have thirty (30) calendar days after receipt of notice of a space rent increase from the park owner, or one (1) year from the date a housing service reduction goes into effect without a corresponding rent reduction, to file a petition for a hearing pursuant to Section 4997. (Ords. 94-13, 97-7)

Section 5000. Space Rent Increases - Notice.

A. Whenever a park owner notifies a mobilehome owner of a proposed General Annual Adjustment or Special Rent Increase pursuant to this chapter, the park owner shall also notify the mobilehome owner by the same type of notice or, at the park owner's option, in the same notice, in a conspicuous manner, of the mobilehome owner's right to utilize the rental dispute hearing process and shall provide the following: (Ord. 94-13)

1. A current copy of this chapter (provided, however, that if a copy has previously been provided and there have been no changes made since then, this requirement is waived); (Ord. 94-13)

2. A statement that a copy of the Chapter was provided to the mobilehome owner; and (Ord. 94-13)

3. The business address and telephone number of the City Clerk. (Ord. 94-13)

B. All notices shall be given on the same day each calendar year although increases may take effect on different dates. The purpose of this requirement is to avoid the possibility of multiple disputes over rent increases in the same park within a given year. This Subsection 5000 B does not apply to notices of increases pursuant to existing leases. (Ord. 94-13)

C. A list of all mobilehome owners (with their respective space numbers) receiving notice of rent increase concurrently or within the prior thirty (30) days will be made available to any noticed mobilehome owner within three (3) days of written request therefor to the park owner. (Ord. 94-13)

Section 5001. Space Rent Increases - Effective Date. In the event that a petition is properly and timely filed by mobilehome owners pursuant to Section 4997, that portion of a requested rental increase (and only that portion) which exceeds the sixty (60) percent increase in CPI limitation described in this chapter or five (5) percent, whichever is less, shall not take effect unless and until such time as such increase or portion thereof is allowed after hearing pursuant to the provisions of this chapter. (Ord. 94-13)

Section 5002. Hearing - Procedures. A hearing shall be conducted within forty-five (45) calendar days from the date the petition as described in this chapter is received by the City Clerk, or within such additional time as may be mutually agreed upon by all parties to the hearing. The parties shall be given notice of the hearing at least twenty (20) calendar days prior to the date set for the hearing. The notice period shall commence upon deposit of the notice in the regular

first class mail to the parties. Materials to be considered at the hearing must be made available to both parties to the hearing at least fifteen (15) calendar days in advance of the hearing. Extensions of time for the hearing process may be mutually agreed upon by both parties with the concurrence of the City.
(Ords. 94-13, 97-7)

Section 5003. Hearing Fee. Pursuant to fees established by resolution of the City Council, a reasonable fee shall be charged the park owner for the cost of holding a Special Rent Increase hearing, and a reasonable fee shall be charged the petitioning mobilehome owners for a Housing Service Reduction hearing.
(Ord. 94-13)

The fee is intended to pay all costs of the City incurred in conducting proceedings on the petition, including without limitation, City staff time, noticing, audit costs, accountant costs, postage, costs of in-house or outside services reasonably required to make the record.
(Ord. 94-13)

If the amount of the fee exceeds the actual costs incurred, the balance shall be refunded to the payor within thirty (30) calendar days following completion of the proceedings.
(Ord. 94-13)

If a rent increase petition is granted in whole or in part, the Board may in its discretion allow the cost of the petition filing fee to be passed through to the affected mobilehome owners in addition to the justifiable rent increase. If the rent increase is denied, no part of the hearing fee may be passed through to the mobilehome owners. If a housing service reduction petition is granted in whole or in part, the Board may in its discretion allow the cost of the petition filing fee to be assessed against the park owner.
(Ord. 94-13)

Section 5004. Hearing - Conduct. The hearing shall be conducted by the Board. Any party or their counsel may appear and offer such documents, testimony, written declaration or other evidence as may be pertinent to the proceeding. A record of the proceedings shall be prepared by the City Clerk who shall maintain it for a period not to exceed two (2) years.
(Ord. 94-13)

Section 5005. Hearing - Determination. Based upon the evidence presented at the hearing, the Board shall make a determination whether or not, in light of all the evidence presented, the proposed rent increase is reasonable under the circumstances, in accordance with the maintenance of net operating income formula as set out herein, or any other factor necessary to provide the park owner with a fair return. The burden of proof regarding such reasonableness shall be on the owner unless otherwise indicated. Provided, however, in the case of a housing service reduction petition brought by mobilehome owners where the owner did not first petition for the increase, the determination shall be made based solely on whether or not the housing service reduction resulted in a cost savings to the park owner.
(Ord. 94-13)

Section 5006. Hearing - Notification. Within fifteen (15) calendar days following the conclusion of the hearing, the Board shall make a determination in writing whether or not the proposed increase or any portion thereof is reasonable under the circumstances or not, and shall make written findings of fact upon which such determination is based. The City Clerk shall cause copies of the determination and the findings to be mailed by regular first class mail to the parties.
(Ords. 94-13, 97-7)

Section 5007. Increase Determined Not Reasonable - Remedies. Any rental or housing service charge increases which have been collected by mobilehome park owners pursuant to an increase which is the subject of a petition for hearing and which is later determined by the Board to be excessive, shall, within ninety (90) calendar days be either returned to the mobilehome owners or credited to future rental charges at the option of the mobilehome owner. In no event, shall the time period for repayment exceed ninety (90) calendar days for carrying out the decision of the Board.
(Ord. 94-13)

Section 5008. Appeal to City Council.

A. The determination of the Board shall be appealable to the City Council in accordance with the provisions of Section 2902 of this Code except that the hearing on Appeal shall consist solely of a review of the administrative record and inquiry as to whether the Board proceeded without or in excess of its jurisdiction and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the Board did not proceed in accordance with this ordinance and amendments thereto, its decision is not supported by the findings or the findings are not supported by the weight of the evidence.

(Ord. 94-13)

B. It is the intent of this section to set forth the manner of appeal from decisions of the Mobilehome Park Rent Review Board. Any party disputing the final conclusions and findings of the City Council may seek review of them pursuant to Sections 1094.5 and 1094.6 of the California Code of Civil Procedure.

(Ord. 94-13)

Section 5009. Determination - Applicability. The determination made under the provisions of this chapter shall be effective with respect to all affected mobilehome park spaces, unless the mobilehome owner of such space has a written lease with the park owner meeting the requirements of Civil Code Section 798.17 which otherwise sets forth the rights and obligations of the parties with respect to rent.

(Ord. 94-13)

Section 5010. Specification of Charges. For any rent increase approved pursuant to proceedings conducted in compliance with the provisions of this chapter, the mobilehome park owner shall, when demanding any space rent which includes such allowed amounts, specify with particularity that amount along with a citation as to the authority for that amount and a demonstration of its calculation. Any notice of termination of tenancy served by the mobilehome park owner upon a mobilehome owner on the basis of a failure to pay rent which includes such allowed charges, shall similarly show such charges and the authority for their imposition.

(Ord. 94-13)

Section 5011. Special Rent Increase - Presumption and Owner's Right to Petition. It is expected that a rent increase within the limits of Section 4994 will provide the park owner with a fair and reasonable return. However, in the event a rent increase in the amounts specified in Section 4994 does not provide the park owner with a fair and reasonable return, the park owner may request an increase in excess of said amounts by filing a Notice of Special Rent Increase in accordance with the provisions of Sections 4996 and 5012 through 5020.

(Ords. 94-13, 97-7)

Section 5012. Presumption of Fair Base Year Net Operating Income. For the purposes of determining the Special Rent Increase necessary to provide the park owner with a fair and reasonable return, it shall be presumed that the Net Operating Income, as described below, received by the park owner in the base year, provided the park owner with a fair and reasonable return.

(Ord. 94-13)

Section 5013. Base Year. Base year means the 1993 calendar year.

(Ord. 94-13)

Section 5014. Determination of Base Year Net Operating Income. The base year Net Operating Income shall be determined by subtracting the actual operating expenses for the base year from the gross income realized during the base year.

(Ord. 94-13)

Section 5015. Rebuttal of Fair Net Operating Income Presumption. The park owner shall provide evidence of gross income, operating expenses, and the determination of net operating income for the base year and current year. All

figures shall be certified by the park owner under penalty of perjury as true and correct and with respect to expenses permitted under Section 5018 and income used to determine Gross Income under Section 5017. Any party to the hearing may present evidence to rebut the presumption of fair and reasonable return based upon the base year Net Operating Income as set forth in Section 5013 and the Board may adjust said Net Operating Income accordingly if at least one of the following findings is made:

(Ords. 94-13, 97-7)

A. The park owner's operating expenses in the base year were unusually high or low in comparison to other years. In such instances, adjustment may be made in calculating operating expenses so the base year operating expenses reflect average expenses for the property over a reasonable period of time. The Board shall consider the following factors in making this finding:

(Ord. 94-13)

1. Extraordinary amounts were expended for necessary maintenance and repairs;

(Ord. 94-13)

2. Maintenance and repair was below accepted standards so as to cause significant deterioration in the quality of services provided;

(Ord. 94-13)

3. Other expenses were unreasonably high or low in comparison to prudent business practices;

(Ord. 94-13)

4. Costs of debt service paid during the base year, where the proceeds of the debt were used for capital improvements or rehabilitation in the mobilehome park.

(Ord. 94-13)

B. The gross income during the base year was disproportionate. In such instances, adjustments may be made in calculating gross income consistent with the purposes of this chapter. The Board shall consider the following factors in making this finding:

(Ord. 94-13)

1. The gross income during the base year was lower than it might have been because some mobilehome owners were charged reduced rent;

(Ord. 94-13)

2. The gross income during the base year was significantly lower than normal because of the destruction of the premises and/or temporary eviction for construction or repairs.

(Ord. 94-13)

C. The rents charged by the park owner in the Base Year were significantly below the rents for mobilehome spaces in the City with comparable amenities, because of unique or extraordinary circumstances.

(Ord. 94-13)

Section 5016. Current Net Operating Income. The Net Operating Income as of the date of filing a notice requesting an increase in excess of the amounts specified in Section 4994 shall be determined by:

(Ords. 94-13, 97-7)

- A. Annualizing the rents in effect as of the date of filing to determine the annualized gross income;

(Ord. 94-13)

- B. Determining the operating expenses during the immediately preceding calendar or fiscal year;

(Ord. 94-13)

C. Subtracting the operating expenses determined pursuant to Subsection B from the annualized gross income.
(Ord. 94-13)

Section 5017. Calculation of Gross Income.

A. For the purposes of determining the Net Operating Income, Gross Income shall be the sum of the following:
(Ord. 94-13)

1. Gross rents calculated as gross rental income at one hundred (100) percent occupancy, adjusted for uncollected rents as provided in Subsection B of this section:
(Ord. 94-13)

2. Income from any laundry facilities and parking fees;
(Ord. 94-13)

3. All other income or consideration received or receivable in connection with the use or occupancy of the mobilehome space.
(Ord. 94-13)

B. Gross rents shall be adjusted for uncollected rents due to vacancy and bad debts to the extent such are beyond the control of the owner. No such adjustment shall be greater than three (3) percent of gross rents unless justification for a higher rate is demonstrated by the owner.
(Ord. 94-13)

Section 5018. Calculation of Operating Expenses.

A. For the purposes of determining Net Operating Income, operating expenses shall include the following:
(Ord. 94-13)

1. Reasonable costs of operation and maintenance;
(Ord. 94-13)

2. Utility costs to the extent they are not paid by the residents;
(Ord. 94-13)

3. Park owner-performed labor compensated at reasonable hourly rates;
(Ord. 94-13)

a. No park owner-performed labor shall be included as an operating expense unless the park owner submits documentation showing the date, time and nature of the work performed.
(Ord. 94-13)

b. There shall be a maximum allowed under this provision of five (5) percent of gross income unless the park owner shows greater services were performed for the benefit of the mobilehome owners.
(Ord. 94-13)

4. License and registration fees required by law to the extent such are not otherwise paid by the residents;
(Ord. 94-13)

5. Seventy-two (72) percent of the costs of capital improvements plus a reasonable rate of interest on seventy-two (72) percent of the capital improvement costs where all of the following conditions are met:
(Ord. 94-13)

a. The capital improvement is made at a direct cost of not less than One Hundred Dollars (\$100.00) per affected space or at a total direct cost of not less than Five Thousand Dollars (\$5,000.00), whichever is lower;
(Ord. 94-13)

b. The costs, less any insurance proceeds or other applicable recovery, are averaged on a per space basis for each space actually benefited by the improvement;
(Ord. 94-13)

c. The costs are amortized over a period of not less than sixty (60) months;
(Ord. 94-13)

d. The costs do not include any additional costs incurred for property damage or deterioration resulting from any unreasonable delay in the undertaking or completion of any repair or improvement;
(Ord. 94-13)

e. If the capital improvement is an upgrading rather than a replacement of an existing structure or facility, the cost shall only be allowed as an expense if the upgrading is required by law, or at least one resident of fifty (50) percent of the mobilehomes in the park has agreed to the improvement in writing in advance.
(Ord. 94-13)

6. Real property taxes and assessments to the extent they are not covered by Civil Code Section 798.49.
(Ord. 94-13)

B. Operating expenses shall not include the following:
(Ord. 94-13)

1. Mortgage principal or interest payments or other debt service costs or ground lease payments; provided, however, that involuntary increases over the base year amounts occurring as a result of a financing transaction or agreement entered into prior to January 1, 1993, may be considered as operating expenses. For example: refinancing necessitated by the termination of a loan with a balloon payment, or increased costs incurred as a result of a variable interest rate loan used to finance acquisition of the mobilehome park. Increased interest or ground lease payments shall be permitted to be considered as an operating expense only where the park owner can show that the terms were reasonable and consistent with prudent business practices when entered into and under current the circumstances remain consistent with prudent business practices;
(Ord. 94-13)

2. Any penalties, fees or interest assessed or awarded for violation of any provision of this chapter or of any other provision of law;
(Ord. 94-13)

3. Legal fees except as specified in Subsection C of this section;
(Ord. 94-13)

4. Political contributions;
(Ord. 94-13)

5. Any expenses for which the owner has been or will be reimbursed by any discount, security deposit, insurance payment or settlement, judgment for damages, settlement or any other method or device;
(Ord. 94-13)

6. Avoidable and unnecessary expense increases since the base year;
(Ord. 94-13)

7. Depreciation;
(Ord. 94-13)
 8. Expenses which are excessive in relation to the customary and reasonable costs of such items;
(Ord. 94-13)
 9. Expenses related to the sale or conversion of the mobilehome park;
(Ord. 94-13)
 10. The costs of capital improvements associated with the purchase and/or installation of separate meters or service unless the park owner can demonstrate that such improvements benefit the mobilehome owners;
(Ord. 94-13)
 11. Expenses for utilities when the income for the utilities is not calculated as part of rental income in determining income herein.
(Ord. 94-13)
- C. Legal expenses allowed in the calculation of operating expenses shall include: attorneys' fees and costs incurred in connection with successful good-faith attempts to recover rents owing, successful good-faith unlawful detainer actions not in derogation of applicable law, and legal expenses necessarily incurred in dealings with respect to the normal operation of the park to the extent such expenses are not recovered from adverse or other parties. Attorneys' fees incurred in relation to the administrative or judicial proceedings in connection with this chapter are not allowable as operating expenses.
(Ord. 94-13)

Section 5019. Calculation of Fair and Reasonable Return for Special Rent Increase.

- A. It shall be presumed that the base year Net Operating Income adjusted by sixty (60) percent of the percentage increase or decrease in the Consumer Price Index since the base year yields a fair return. The Board shall make a determination whether the park owner will receive a fair return under this standard.
(Ords. 94-13, 97-7)
- B. Base Year Consumer Price Index shall be the CPI level in the sixth (6) month of the base year. The applicable percentage increase or decrease in the Consumer Price Index shall be determined by comparing the base year CPI with the CPI level on the filing date of the current owner petition.
(Ords. 94-13, 97-7)
- C. In evaluating whether or not the park owners are receiving a fair return on their investment, the Board shall consider other relevant factors without limitation.
(Ords. 94-13, 97-7)

Section 5020. Determination of Allowable Special Rent Increase.

- A. The Board shall set the Special Rent Increase in the amount required to provide the park owner with a fair and reasonable return.
(Ord. 94-13)
- B. In determining the Special Rent Increase required to provide the park owner with a fair and reasonable return, the following shall be determined:
(Ord. 94-13)
1. The fair and reasonable return in accordance with Section 5019;
(Ord. 94-13)

2. The gross income required to produce the fair and reasonable return;
(Ord. 94-13)
3. The rent increase needed to produce the required gross income.
(Ord. 94-13)

Section 5021. Violation - Penalty.

A. **Penalty.** No person shall demand, accept, receive or retain any rent in excess of the amounts allowed under this chapter. Any person may file a complaint regarding an alleged violation of this chapter with the City Clerk. The City Attorney is authorized to, in his/her discretion, investigate and prosecute those complaints that are determined to merit prosecution. Any person found to have wilfully demanded, accepted, received or retained any rent in excess of the amounts allowed under this chapter is guilty of a misdemeanor.

(Ord. 94-13)

B. **Civil Action.** Any person who wilfully demands, accepts, or retains any payment of rent, in violation of the provisions of this article shall be liable in a civil action to the person from whom payment is demanded, accepted or retained for damages in the sum of three (3) times the amount by which payment or payments demanded, accepted or retained exceed the maximum rent which could lawfully be demanded, accepted or retained.

(Ord. 94-13)

C. Waiver of Rights.

1. Any waiver or purported waiver by a mobilehome owner of rights granted under this chapter prior to the time when said rights may be exercised shall be void as contrary to public policy, except as provided in this section.
(Ord. 94-13)

2. It shall be unlawful for a park owner to require or attempt to require, as a condition of tenancy in a mobilehome park, a mobilehome owner, or prospective mobilehome owner to waive in a lease or rental agreement, the rights granted to a mobilehome owner by this chapter.

(Ord. 94-13)

3. It shall be unlawful for a park owner to deny or threaten to deny a tenancy in a mobilehome park to any person on account of such person's refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a tenant by this chapter.

(Ord. 94-13)

4. Nothing in this section shall preclude a mobilehome owner or tenant, or prospective tenant, from entering into a lease or rental agreement provided that such lease or rental agreement is not procured by a requirement that it be entered into as a condition of tenancy in the mobilehome park, and is not procured under a threat of denial of tenancy in the mobilehome park.

(Ord. 94-13)

Section 5022. Permissible Reasons for Eviction. A tenant may refuse to pay any rent in excess of the maximum rent established pursuant to this chapter. The fact that the unpaid rent is in excess of the maximum rent shall be a defense in any action brought to recover possession of a mobilehome space for nonpayment of rent or to collect the illegal rent.

(Ord. 94-13)

Section 5023. Mandatory Mediation of Non-Rental Disputes.

A. **Procedure Separate from Arbitration of Rent Disputes.** This section is provided to enable mobilehome owners and park owners to resolve disputes when there is no concurrent issue concerning a rent increase which is subject to the rent dispute resolution process. If at any time while the non-rental dispute remains unresolved there is a

rent dispute, then the non-rental dispute issues shall be resolved separately in accordance with this section and shall not be consolidated with the rent dispute proceeding.

(Ord. 94-13)

B. Notice of Objection. One (1) or more mobilehome owners in a mobilehome park, or the mobilehome park owner, may at any time file a written objection with the other, as to maintenance, capital improvement, housing services, or any other concern related to the physical condition or living condition of the mobilehome park.

(Ord. 94-13)

C. Informal Meeting. Within ten (10) days after service of the written objection from a mobilehome owner, the mobilehome park owner shall set a time and place for a meeting to be held on the mobilehome park premises, giving the mobilehome owner at least five (5) days' notice of the time and place at which the park owner will be available to meet with the mobilehome owner to discuss the objection. In the case of a written objection filed by the park owner, a time and place for discussion shall be set forth in the notice. The purpose of this meeting shall be to allow the parties the opportunity to resolve any differences they may have concerning non-rental disputes. The meeting may be continued to another time and place agreeable to the parties. The parties may agree to consolidate more than one (1) notice of objection in the same discussion.

(Ord. 94-13)

D. Petition for Formal Mandatory Mediation. If the informal meeting does not resolve the dispute to the satisfaction of one (1) or more of the parties, the dissatisfied party or parties (mobilehome owner and/or park owner) may, within ten (10) days of the date of the meeting, file with the City Clerk a petition for mediation of non-rent dispute. A reasonable petition filing fee intended to defray the costs of the mediator and the hearing costs shall be established by resolution of the City Council. The filing fee, or a request for waiver of the fee together with supporting affidavit showing the need for the waiver, shall be submitted with the petition.

(Ord. 94-13)

E. Assignment of Mediator and Hearing Date. Upon receipt of the petition, the Board shall assign a mediator. The Board shall set a date for the mediation hearing no sooner than ten (10) or later than twenty-one (21) days after the mediator is assigned. The parties shall be notified immediately in writing by the City Clerk of the date, time and place of the mediation hearing. So far as possible, the Board shall set the date and time of the mediation hearing shall be set at the convenience of the parties.

(Ord. 94-13)

F. Mediation Hearing.

1. The parties may appear at the mediation and offer oral and documentary evidence. The parties may designate a representative or representatives to appear for them at the hearing. Such designation shall be in writing, and in the case of a mobilehome owner, the designation may be included on the petition form. The mediator may grant or order one (1) continuance for not more than ten (10) days from the date of the initial mediation hearing. The petitioner shall have the initial burden of proving the merit of each item in dispute. Upon the determination of the mediator that a prima facie case has been made on a particular issue in dispute the burden of proof shall be upon the other party to rebut the claim.

(Ord. 94-13)

2. At any time during the mediation hearing process the mediator may, upon a determination of lack of good faith, or if the parties reach an impasse, or upon a determination that further mediation is impracticable, or not likely to be of further value, terminate the proceeding. The parties shall be notified of this decision in person, if possible, or forthwith in writing if the decision is made outside the presence of the parties.

(Ord. 94-13)

3. In the event that the parties agree to a resolution of the disputed non-rental issues, the mediator shall prepare a memorandum of agreement for the signature of the parties. This agreement shall constitute a legally

enforceable contract. Failing execution of a memorandum of agreement by all parties within ten (10) days of the hearing at which agreement is first reached, no executed memorandum of agreement shall be deemed valid or enforceable and the parties shall proceed to best-offer mediation or termination of the proceeding as determined by the mediator.

(Ord. 94-13)

4. The mediator may request each party to submit a best offer in writing within five (5) days of the initial mediation hearing or the continued hearing, if any, if agreement is not reached at that hearing. Failure of any party to submit a best offer shall be deemed to be a rejection of mediation as to that party, and the mediation proceeding shall be terminated therewith. Upon receipt of a best offer from each party, the mediator shall determine the resolution of the dispute which is reasonable. The determination of the mediator shall be based upon all the provisions of this chapter and shall be made within ten (10) days after submittal of the parties' best offers. The mediator shall forthwith communicate this determination and the reasons for it in writing by mail to the parties and the Board. The determination of the mediator is final and binding unless one or more of the parties within ten (10) days files a written rejection of the mediator's determination, in which case the mediation process is terminated.

(Ord. 94-13)

5. The record of the mediation shall be filed by the mediator with the City Clerk. Such record shall be admissible evidence in any subsequent rent dispute proceeding.

(Ord. 94-13)

Section 5024. Extension of Time - Mutual Agreement. By written agreement of the parties or upon application to the Board and for good cause shown, the time frames provided for under this chapter may be extended.

(Ord. 94-13)

Section 5025. Duty of Park Owner to Provide Copy of Chapter. It shall be the duty of every park owner to provide a copy of this chapter, with Appendix E attached as the front page and Appendix G as the second page, to each resident mobilehome owner or prospective resident mobilehome owner at least three (3) working days prior to the signing of any lease or rental agreement. All mobilehome owners and prospective mobilehome owners shall sign two (2) copies of Appendix F acknowledging receipt of a copy of the Chapter. The park owner shall keep a signed copy of the Chapter.

(Ord. 94-13)

It shall be the duty of every park owner to provide, upon request, a copy of Appendix E to each and every mobilehome owner tenant seeking to sell his or her mobilehome.

(Ord. 94-13)

A single copy of the Chapter shall be provided to each park owner by the City for reproduction by the park owner. Whenever the Chapter is amended, the City shall send an updated copy of the Chapter to each park owner.

(Ord. 94-13)

Section 5026. Duty of Mobilehome Owner to Provide Copy of Appendix E. It shall be the duty of every mobilehome owner seeking to sell his or her mobilehome, to provide a copy of Appendix E to each prospective buyer of the mobilehome. The mobilehome owner shall be provided a copy of Appendix E by the park owner pursuant to Section 5025.

(Ord. 94-13)

Section 5027. Administrative Fee. An administrative fee may be imposed for the purpose of defraying the cost of administration of this ordinance. The fee is to be established by resolution of the City Council and may be determined by the City (on an annual basis) from all or part of the costs incurred in the administration of this ordinance, in the prior calendar or fiscal year based on the general costs of administration, including City staff time, costs of drafting the ordinance, preparation of notices, postage, copying, etc. The administrative fee shall be apportioned equally to all mobilehome spaces in the City except those exempt from local rent control pursuant to Civil Code Section 798.17.

(Ord. 94-13)

The administrative fees imposed by this section shall be paid by the park owner within 45 days from the date of billing by the City.

(Ord. 94-13)

The park owners may pass through fifty (50) percent of the administrative fees assessed against them to the mobilehome owners. The pass through shall be apportioned equally among the affected mobilehome spaces and shall be amortized over a twelve (12) month period. The administrative fee passed through shall be itemized on the rent notices and shall not be included as part of the base rent upon which future rent increases are based. The amount shall be deleted from the space rent once the pro-rata share of administrative fees has been collected.

(Ord. 94-13)

Appendix A
PETITION PROTESTING SPECIAL RENT INCREASE

We, the undersigned, home owners at _____

Mobilehome Park in Concord, California, having been served with a Notice of Special Rent Increase by the Park owner, hereby protest the increase and request voluntary negotiations between the owner and the following committee of home owners pursuant to the provisions of Article IV, Chapter 9(8) of the Concord Municipal Code;

(Insert names, addresses and telephone numbers of proposed tenant committee.)

Name(Printed)	Space No.	Date Notice Received	Signature
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A copy of the owner's notice is annexed to this petition.
(Ords. 94-13, 97-7)

Appendix B
PROOF OF SERVICE BY MAIL, IF SIGNED IN CALIFORNIA

I am a citizen of the United States and a resident of _____ County, California. I am over the age of 18 years and I am not a party to this matter. My business address is _____

On _____, I served the within _____ on the _____ in this matter by placing a true copy thereof enclosed in a sealed envelope with postage thereon, fully prepaid, in the United States mail at _____ addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California on _____.

Print Name

Signature

(See California Code of Civil Procedure Section 2015.5 for proper form to use if proof of service is signed outside California.)
(Ord. 94-13)

Appendix C
PROOF OF PERSONAL SERVICE, IF SIGNED IN CALIFORNIA

I am a citizen of the United States and a resident of _____ County. I am over the age of eighteen years and not a party to this matter. My business address is _____.

I served the within _____
_____.

(Insert Name of Paper Served)

by personally delivering to and leaving with the following persons in the County of _____, State of California, on the date set opposite their respective names a true copy thereof, to wit:

Name _____	Place (Address) _____	Date _____
------------	-----------------------	------------

Name _____	Place (Address) _____	Date _____
------------	-----------------------	------------

Name _____	Place (Address) _____	Date _____
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I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California on _____.

Print Name

Signature

(See California Code of Civil Procedure Section 2015.5 for proper form to use if proof of service is signed outside California.)
(Ord. 94-13)

Appendix D
OWNER'S NOTICE OF SPECIAL RENT INCREASE

I, the owner of _____ Mobilehome Park in Concord, California, pursuant to the terms of Ordinance No. 94-13 hereby notify you of a Special Rent Increase in the amount of \$_____.

Date: _____

Signature of Owner

NOTE: This Notice is to be filed with the City Clerk and must include a document showing that the tenants have been notified of the increase. This type of notice is found in Appendices B and C to this chapter.
(Ords. 94-13, 97-7)

Appendix E
CITY OF CONCORD
MOBILEHOME PARK RENT STABILIZATION ORDINANCE

NOTICE

Pursuant to Concord Municipal Code Section 5000, the owner, lessor, operator or manager of a mobilehome park in the City of Concord is required to provide to each tenant or prospective tenant a current copy of the Concord Mobilehome Park Rent Stabilization Ordinance (Article IV, Chapter 9(8) of the Concord Municipal Code), with a copy of this Appendix attached as the front page, prior to the signing of any lease or rental agreement. All tenants or prospective tenants are required to sign two (2) copies of Appendix F acknowledging receipt of the Ordinance.

Pursuant to Concord Municipal Code Section 5026, the tenant seeking to sell his or her mobilehome shall provide a copy of this Appendix to each prospective buyer of the mobilehome.

IMPORTANT NOTICE

- 1. The City of Concord has enacted a Mobilehome Park Rent Stabilization Ordinance.**
- 2. You do not have to sign a lease or rental agreement with a term longer than twelve (12) months in order to be able to live in this park.**
- 3. If you choose to enter into a lease or rental agreement with a term longer than twelve (12) months, your space will not be covered by the provisions of the Mobilehome Park Rent Stabilization Ordinance.**

In order to fully understand the provisions of the ordinance you should consult a complete copy of the ordinance. The following, however, is a summation of certain pertinent provisions of the ordinance.

UNDER THE ORDINANCE

- 1) You may receive an annual rent increase no more than 60% of the San Francisco/Oakland/San Jose Consumer Price Index (CPI). A park owner who seeks to increase rents above that amount must notify the City Clerk of the proposed Special Rent Increase. Park tenants may require a special hearing before the Mobilehome Park Rent Review Board before an annual rental increase larger than 60% of the CPI may take effect.**
- 2) An increase in rent is prohibited, with certain exceptions, when there is an in-place sale of a mobilehome. The last rent charged the previous tenant is the new tenant's initial rent.**
(Ords. 94-13, 97-7)

Appendix F
CITY OF CONCORD
MOBILEHOME PARK RENT STABILIZATION ORDINANCE

I, _____, hereby acknowledge receipt of a copy of the
Concord Mobilehome Park Rent Stabilization Ordinance, Article IV, Chapter 9(8) of the Concord Municipal Code.

Signature

Date

(Ord. 94-13)

Appendix G
CITY OF CONCORD
MOBILEHOME PARK RENT STABILIZATION ORDINANCE
NOTICE

IMPORTANT NOTICE TO HOMEOWNER REGARDING THE PROPOSED RENTAL AGREEMENT FOR _____ MOBILEHOME PARK. PLEASE TAKE NOTICE THAT THIS RENTAL AGREEMENT CREATES A TENANCY WITH A TERM IN EXCESS OF TWELVE (12) MONTHS. BY SIGNING THIS RENTAL AGREEMENT, YOU ARE EXEMPTING THIS MOBILEHOME SPACE FROM THE PROVISIONS OF THE CITY OF CONCORD RENT CONTROL LAW. THE CITY OF CONCORD AND THE STATE MOBILEHOME RESIDENCY LAW (CALIFORNIA CIVIL CODE SECTIONS 798 ET SEQ.) GIVE YOU CERTAIN RIGHTS. BEFORE SIGNING THIS RENTAL AGREEMENT YOU MAY CHOOSE TO SEE A LAWYER.

UNDER THE PROVISIONS OF STATE LAW, YOU HAVE A RIGHT TO BE OFFERED A RENTAL AGREEMENT FOR ONE (1) TERM OF TWELVE MONTHS, OR (2) A LESSER PERIOD AS YOU MAY REQUEST, OR (3) A LONGER PERIOD AS YOU AND THE MOBILEHOME PARK MANAGEMENT AGREE. YOU HAVE THE RIGHT TO REVIEW THIS AGREEMENT FOR THIRTY (30) DAYS BEFORE ACCEPTING IT OR REJECTING IT. IF YOU SIGN THE AGREEMENT YOU MAY CANCEL THE AGREEMENT BY NOTIFYING THE PARK MANAGEMENT IN WRITING OF THE CANCELLATION WITHIN SEVENTY-TWO (72) HOURS OF YOUR EXECUTION OF THE AGREEMENT. IT IS UNLAWFUL FOR A MOBILEHOME PARK OWNER OR ANY AGENT OR REPRESENTATIVE OF THE OWNER TO DISCRIMINATE AGAINST YOU BECAUSE OF THE EXERCISE OF ANY RIGHTS YOU MAY HAVE UNDER THE CITY OF CONCORD RENT CONTROL LAW, OR BECAUSE OF YOUR CHOICE TO ENTER INTO A RENTAL AGREEMENT WHICH IS SUBJECT TO THE PROVISIONS OF THAT LAW.

I hereby declare under penalty of perjury under the laws of the State of California that I gave a copy of this notice to _____

on _____, 19____.

By: _____

(Ord. 94-13)

I acknowledge receipt of this notice on _____, 19____.

Tenant and/or Mobilehome Owner

PERSONNEL BOARD

Composition: 5 Members

Term: Two Years

Membership Requirements: Residents of Concord who hold no other municipal office in the City of Concord.

Example of Duties: The Personnel Board consists of five members who act in an advisory capacity to the City Council on personnel matters. The Board receives and hears appeals and grievances, and as directed by Council, conducts hearings on personnel matters, gathers information and data, and provides written reports of findings.

Meeting Times and Places: Meets on an as needed basis.

CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 (Pertaining to Personnel Board) City Boards, Commissions and Committees

Sec. 2-441. Established.

The Personnel Board of the city, created by Ordinance No. 542, is hereby continued in existence.

(Code 1965, § 2412; Ord. No. 763; Ord. No. 1006)

Sec. 2-442. Membership; vacancies; absence from meetings.

(a) A Personnel Board consisting of five members shall be appointed by the City Council to serve at the pleasure of the Council for terms of two years, provided, however, that for the purpose of maintaining staggered terms, the first three appointments following the effective date of this amendment shall be for an initial term of one year. In making appointments to the Personnel Board, the City Council will endeavor to appoint members so that the Personnel Board will generally reflect the diversity of the community.

(Code 1965, § 2413; Ord. No. 763; Ord. No. 1006; Ord. No. 1108; Ord. No. 99-1)

(b) Vacancies on the Personnel Board, from whatever cause, shall be filled by appointment by the Council for the unexpired term. Each member of the Personnel Board shall serve until a successor is appointed.

(Code 1965, § 2413; Ord. No. 763; Ord. No. 1006; Ord. No. 99-1)

(c) Any member who is absent from three consecutive meetings of the Personnel Board without being excused will be deemed to have resigned the office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2413; Ord. No. 763; Ord. No. 1006; Ord. No. 91-2; Ord. No. 99-1)

Sec. 2-443. Qualifications of members; compensation of members.

(a) The members of the Personnel Board shall be residents of the city who hold no other municipal office in the city and shall serve without compensation.

(Code 1965, § 2414; Ord. No. 763; Ord. No. 1006; Ord. No. 1108)

(b) No person shall be appointed to the Personnel Board who holds an appointive or elective public office with the city.

(Code 1965, § 2414; Ord. No. 763; Ord. No. 1006)

(c) Excluding an elective office, a member of the Personnel Board shall not be eligible to hold a compensation position with the city within a period of one year after ceasing to be a member of said Personnel Board.

(Code 1965, § 2414; Ord. No. 763; Ord. No. 1006)

(d) No person shall serve as a member of the Personnel Board who is not in accord with City Council policy as it applies to equal employment opportunity and a merit system of personnel administration as set forth in chapter 50, article III, of this Code. All Personnel Board members shall endeavor to keep informed of current personnel administration principles and practices by periodic review of literature of the field and by other appropriate means.

(Code 1965, § 2414; Ord. No. 763; Ord. No. 1006; Ord. No. 1108; Ord. No. 99-1)

Sec. 2-444. Duties and powers.

The functions of the Personnel Board shall be:

(Code 1965, § 2415; Ord. No. 763; Ord. No. 1006; Ord. No. 99-1)

(1) At its first regular meeting of the calendar year, the Personnel Board shall select one of its members as chairman and one of its members as vice-chairman;

(Code 1965, § 2415; Ord. No. 763; Ord. No. 1006; Ord. No. 99-1)

(2) To determine the order of business for the conduct of its meetings and to hold such meetings as are necessary, when called by the chairman or a majority of members of the Personnel Board. A majority of the members of the Personnel Board shall constitute a quorum for the transaction of business;

(Code 1965, § 2415; Ord. No. 763; Ord. No. 1006; Ord. No. 99-1)

(3) To receive and/or hear appeals and grievances as provided by chapter 50, article III, division 3, of this Code and by the personnel rules;

(Code 1965, § 2415; Ord. No. 763; Ord. No. 1006; Ord. No. 99-1)

(4) To act in an advisory capacity to the Council on personnel matters as directed by the Council, to conduct hearings on personnel matters, gather information and data, and provide a written report of its findings;

(Code 1965, § 2415; Ord. No. 763; Ord. No. 1006; Ord. No. 99-1)

(5) In an investigation or hearing conducted by the Board, it shall have the power to examine witnesses under oath and review evidence before it and to issue subpoenas as provided by law. Each member of the Personnel Board shall have the power to administer oaths to witnesses;

(Code 1965, § 2415; Ord. No. 763; Ord. No. 1006; Ord. No. 99-1)

(6) The Council and each of its members are prohibited from interfering or attempting to interfere, directly or indirectly, with the performance of the Personnel Board's duties and from obtaining or attempting to obtain, directly or indirectly, from any person any agreement as to how that individual will perform any of the duties of a Personnel Board member.

(Code 1965, § 2415; Ord. No. 763; Ord. No. 898; Ord. No. 1006; Ord. No. 99-1)

PLANNING COMMISSION

Composition: 5 Members

Term: Two Years

Membership Requirements: Residents of Concord who hold no other municipal office in the City of Concord.

Example of Duties: Develop and maintain the General Plan of the Concord planning area; develop specific plans as may be necessary; make recommendations to the City Council regarding proposed General Plan amendments and municipal code modifications, review planned district developments, tentative subdivision maps, and use permit applications; additional duties may include formulation and review of physical design projects in the Redevelopment Area and recommendations to the Redevelopment Agency Board regarding compliance with General Plan and Redevelopment Plans.

Meeting Times and Places: 1st and 3rd Wednesdays of each month at 7:00 p.m. in the Council Chamber, 1950 Parkside Drive. Study sessions are held prior to the regular Planning Commission meeting at 5:30 p.m. in the Permit Center Conference Room.

Conflict of Interest Requirements: The City's Conflict of Interest Code requires Planning Commission members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 10 days of assuming office and on an annual basis.

Compensation: Planning Commission members receive \$50 per regular or special meetings for a maximum of six meetings per month.
(Resolution No. 85-9)

CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 (Pertaining to Planning Commission) City Boards, Commissions and Committees

Sec. 2-471. Membership; compensation of members.

The Planning Commission shall consist of five voting members to be appointed by the City Council. Members of the Planning Commission shall be citizens of the city who hold no other municipal office in the city. The basis and amount of compensation to paid members of the Planning Commission shall be determined and set by resolution of the City Council.

(Code 1965, § 2401; Ord. No. 226; Ord. No. 687; Ord. No. 990; Ord. No. 1006)

Sec. 2-472. Terms of members.

Members shall serve at the pleasure of the Council for two-year terms commencing with the January 1976 appointments to be made by the City Council. Any member who absents himself from three consecutive meetings of the Commission without being excused will be deemed to have resigned their office and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2402; Ord. No. 526; Ord. No. 687; Ord. No. 990; Ord. No. 1006)

Sec. 2-473. Rules of procedure; designation of committees and task forces.

The Planning Commission shall adopt rules of procedure and designate committees and task forces by resolution. Said resolution shall not be effective until approved by the City Council.

(Code 1965, § 2403; Ord. No. 226; Ord. No. 1006)

Sec. 2-474. Vacancies.

All vacancies occurring on the Planning Commission shall be filled according to the methods of their original selection, and the new member shall serve at the pleasure of the Council for the unexpired term of their respective predecessor.

(Code 1965, § 2404; Ord. No. 70; Ord. No. 226; Ord. No. 687; Ord. No. 1006)

Sec. 2-475. Powers and responsibilities.

The Planning Commission is the planning agency of the city. It shall have powers and functions as follows:

(Code 1965, § 2405; Ord. No. 70; Ord. No. 1006)

- (1) All those functions and powers as provided by state law (Government Code §§ 65100--65700 as amended);

(Code 1965, § 2405; Ord. No. 1006)

- (2) All duties, powers, and functions as in this Code provided;

(Code 1965, § 2405; Ord. No. 1006)

- (3) Such other functions as the City Council may from time to time provide.

(Code 1965, § 2405; Ord. No. 1006)

Sections 2406-2410. Deleted by Ordinance 87-35.

Section 2411. Repealed by Ordinance 93-7.

RESOLUTION NO. 97-79 Assigning Additional Duties to the Planning Commission (Eff. 9/2/97)

Section 1. As provided in Section 2405 of the Concord Municipal Code, the Planning Commission is assigned the additional following functions:

- A. Formulation and review of physical design projects in the Redevelopment Area or programs requiring Planning Commission action.
- B. Review and make recommendation to the Redevelopment Agency Board regarding compliance with the General Plan of proposed projects in the Redevelopment Agency budget.
- C. Review and make recommendation to the Redevelopment Agency Board regarding General and Specific Redevelopment Plans.

PARKS, RECREATION AND OPEN SPACE COMMISSION

Composition: 7 Members
(5 adult; 2 youth selected by the adult members)

Term: Two Years

Membership Requirements: Residents of Concord who hold no other municipal office in the City of Concord.

Example of Duties: Act in an advisory capacity to the City Council on matters pertaining to public parks, open space, and recreation; review and recommend Council action to develop, modify, and/or improve City parks; assist in the promotion of recreational and parks programs; assess parks and recreation needs; and recommend capital improvement projects and fees related to parks and recreation.

Meeting Times and Places: 2nd Wednesday of each month at 7:00 pm. in the Council Chambers, 1950 Parkside Drive. Meetings are televised live on Comcast Broadband Channel 28 and Astound! Broadband Channel 29.

Conflict of Interest Requirements: The City's Conflict of Interest Code requires the Parks, Recreation and Open Space Commission members to disclose interests in investments, real property, and income derived within the City of Concord or from sources doing business within the City of Concord. Filings are required within 30 days of assuming office and on an annual basis.

CONCORD MUNICIPAL CODE, ARTICLE II, CHAPTER 4 City Boards, Commissions and Committees (Pertaining to Parks, Recreation and Open Space Commission)

Sec. 2-411. Established; membership; compensation of members.

There is hereby created a Parks, Recreation and Open Space Commission (PROC), which shall consist of five (5) adult voting members and two (2) youth voting members. The adult voting members are appointed by the City Council. The Youth voting members are appointed by a selection task force composed of the adult members of PROC and confirmed by the City Council. The adult members of the PROC shall be residents of the city who hold no other municipal office in the city. The youth members must be between the ages of 13 and 21 at the time of their appointment, shall be residents of the city or attend school in the city and may be part-time seasonal employees of the city. The basis and amount of compensation which may be paid to the Parks, Recreation and Open Space Commission shall be by resolution of the City Council.

(Code 1965, § 2429; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

Sec. 2-412. Terms of members; absence from meetings.

Members shall serve at the pleasure of the City Council for two years. Youth members shall serve at the pleasure of the City Council for one year, effective July 1st and ending June 30th of the following year. Any member who absents himself from three consecutive meetings of the Parks, Recreation and Open Space Commission without being excused will be deemed to have resigned his office, and the City Council may appoint a new member to serve in the place of such absent member.

(Code 1965, § 2430; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

Sec. 2-413. Rules of procedure; designation of committees and task forces.

The Parks, Recreation and Open Space Commission shall adopt rules of procedure on conduct of its business and may designate committees and task forces. These committees and task forces may be composed of youth designated to study issues and provide findings to the PROC or provide voluntary service to the city.

(Code 1965, § 2431; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

Sec. 2-414. Vacancies.

All vacancies occurring on the Parks, Recreation and Open Space Commission shall be filled according to the method of their original selection, and the new members shall serve at the pleasure of the Council for the unexpired terms of their respective predecessors.

(Code 1965, § 2432; Ord. No. 87-35; Ord. No. 01-7)

Sec. 2-415. Powers and responsibilities.

The Parks, Recreation and Open Space Commission shall have the responsibility of carrying on the following functions:

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

- (1) Act in advisory capacity to the City Council in matters pertaining to public parks, open space, recreation, and issues pertaining to youth;

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

- (2) Consult, cooperate, and maintain contact with other public agencies, community organizations, and private persons engaged in recreation programming, park and open space planning, and youth services;

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

- (3) Review and assist in the promotion of recreational, park, open space, and youth programs;

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

- (4) Review and recommend to the City Council, plans submitted for development of, modification of, and/or improvements to the city parks system;

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

- (5) Assess parks, recreation, open space and youth services needs and develop goals and objectives for meeting these needs;

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

- (6) Review and recommend to the City Council on capital improvements projects and fees related to parks, recreation, and open space; and

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

- (7) Such other duties as the City Council may direct.

(Code 1965, § 2433; Ord. No. 87-35; Ord. No. 01-7; Ord. No. 05-7)

ARTICLE V. BOARDS, COMMISSIONS, AND COMMITTEES*

DIVISION 1. GENERAL

Sec. 2-271. Appointment of alternates.

(a) The City Council may appoint one or more alternates to any city board, commission, or committee. Any appointed alternates shall be listed consecutively as first alternate, second alternate, and so forth. An alternate's term shall expire when the next annual recruitment for members of his respective board, commission, or committee is completed.

(Code 1965, § 2467; Ord. No. 99-15)

(b) Only in the event of an unscheduled vacancy on any city board, commission, or committee shall an alternate fill the position of the vacating member, serving until the expiration of the vacating member's term of office. Any alternate shall fill any unscheduled vacancy of the respective board, commission, or committee in the consecutive order appointed.

(Code 1965, § 2467; Ord. No. 99-15)

Secs. 2-272--2-290. Reserved.

Exhibit 4

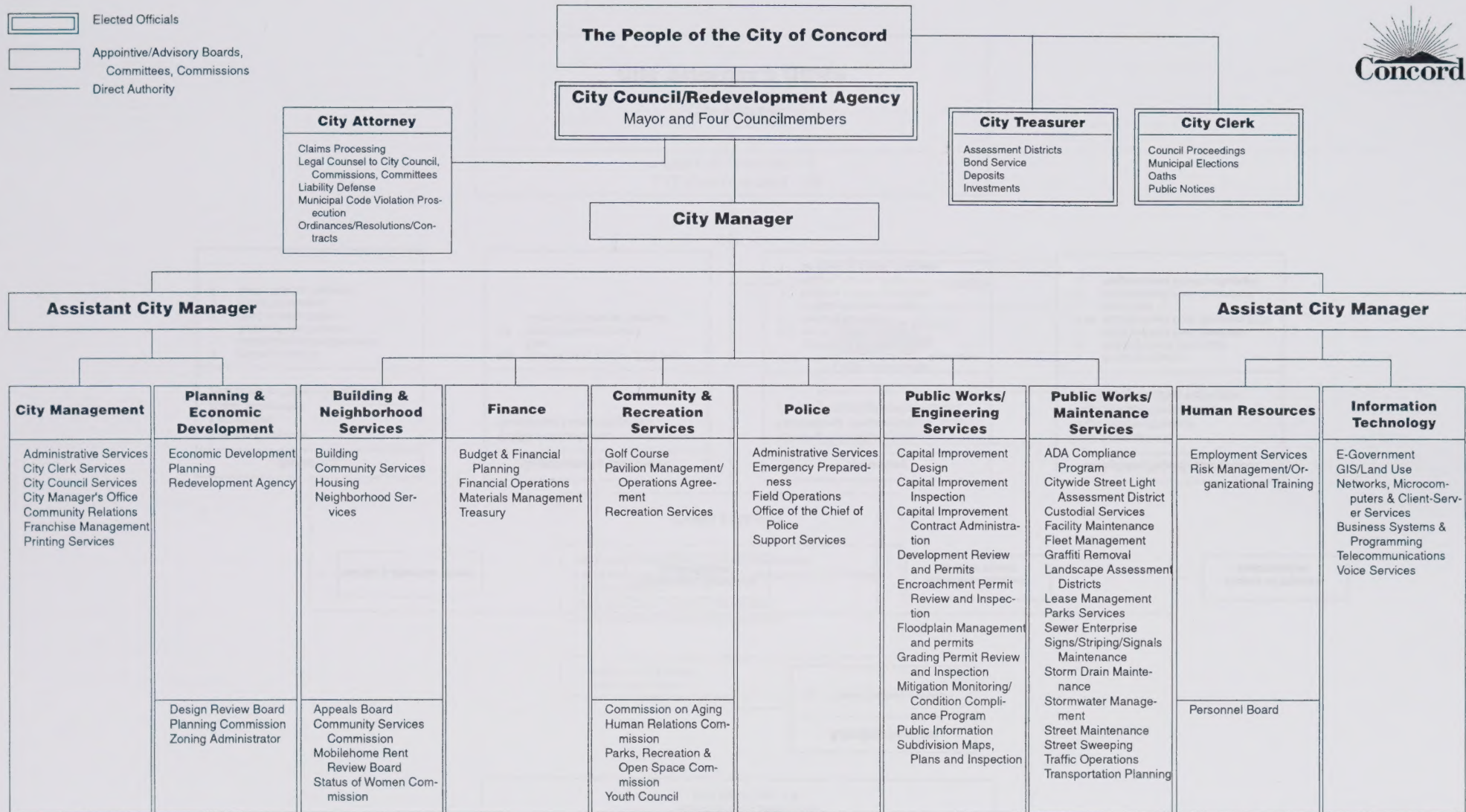
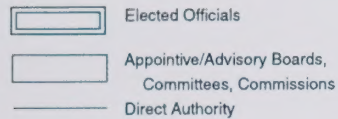
Concord's Organizational Chart 2005 Edition



City Organization and Programs

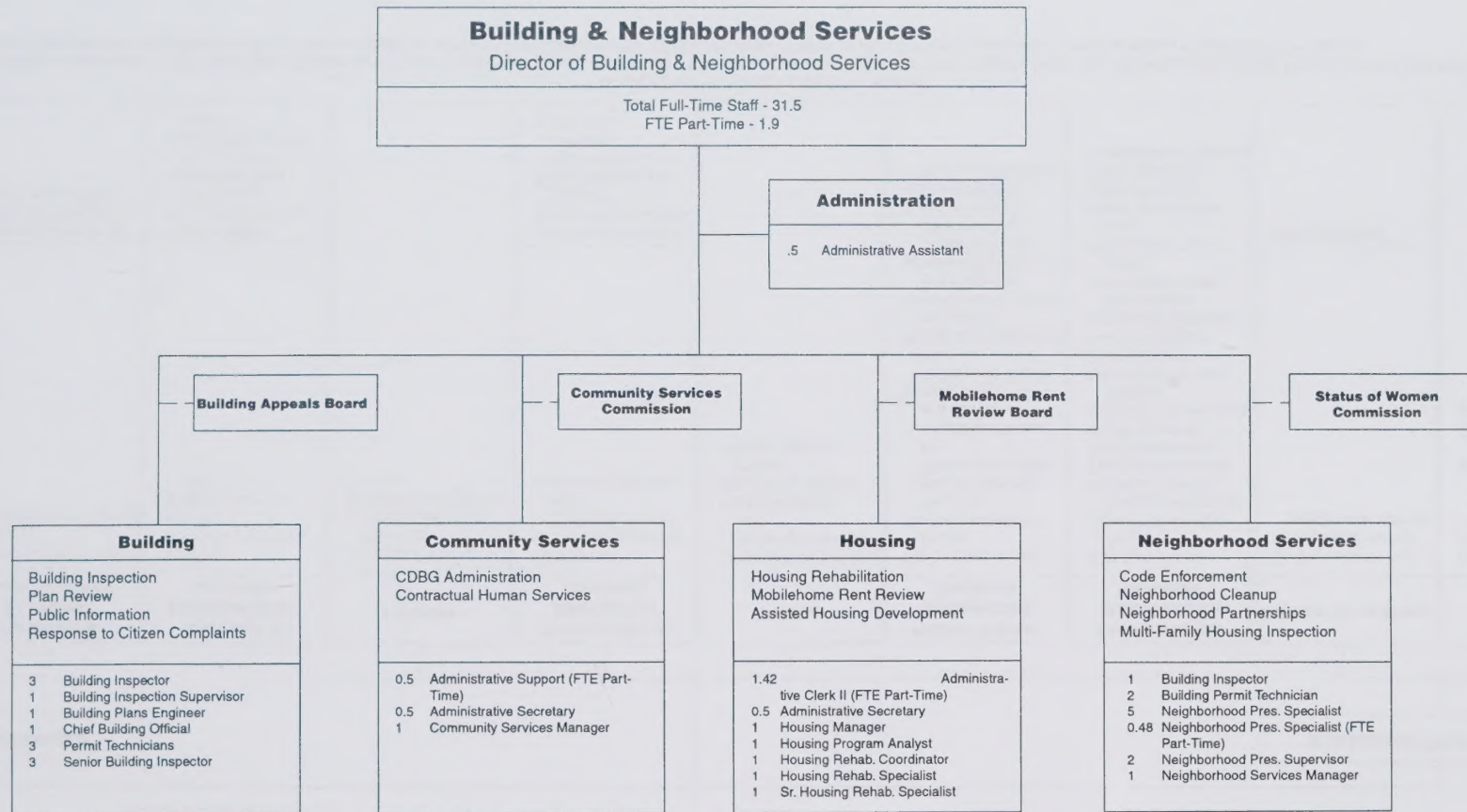
Our mission is to join with our community to make Concord a city of the highest quality. We do this by providing responsive, cost effective, and innovative local government services.

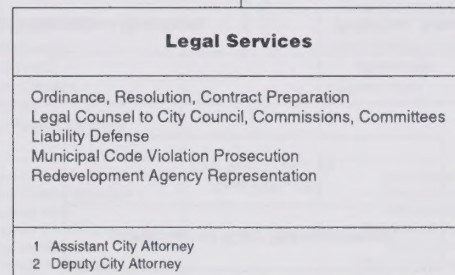
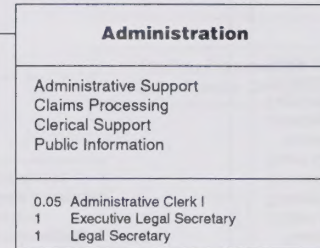
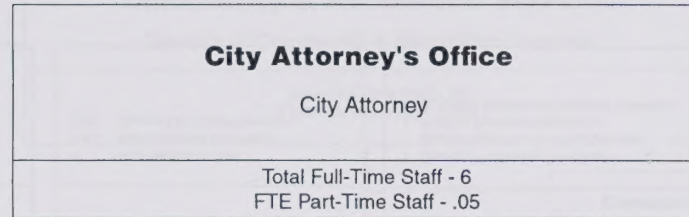
July 1, 2005

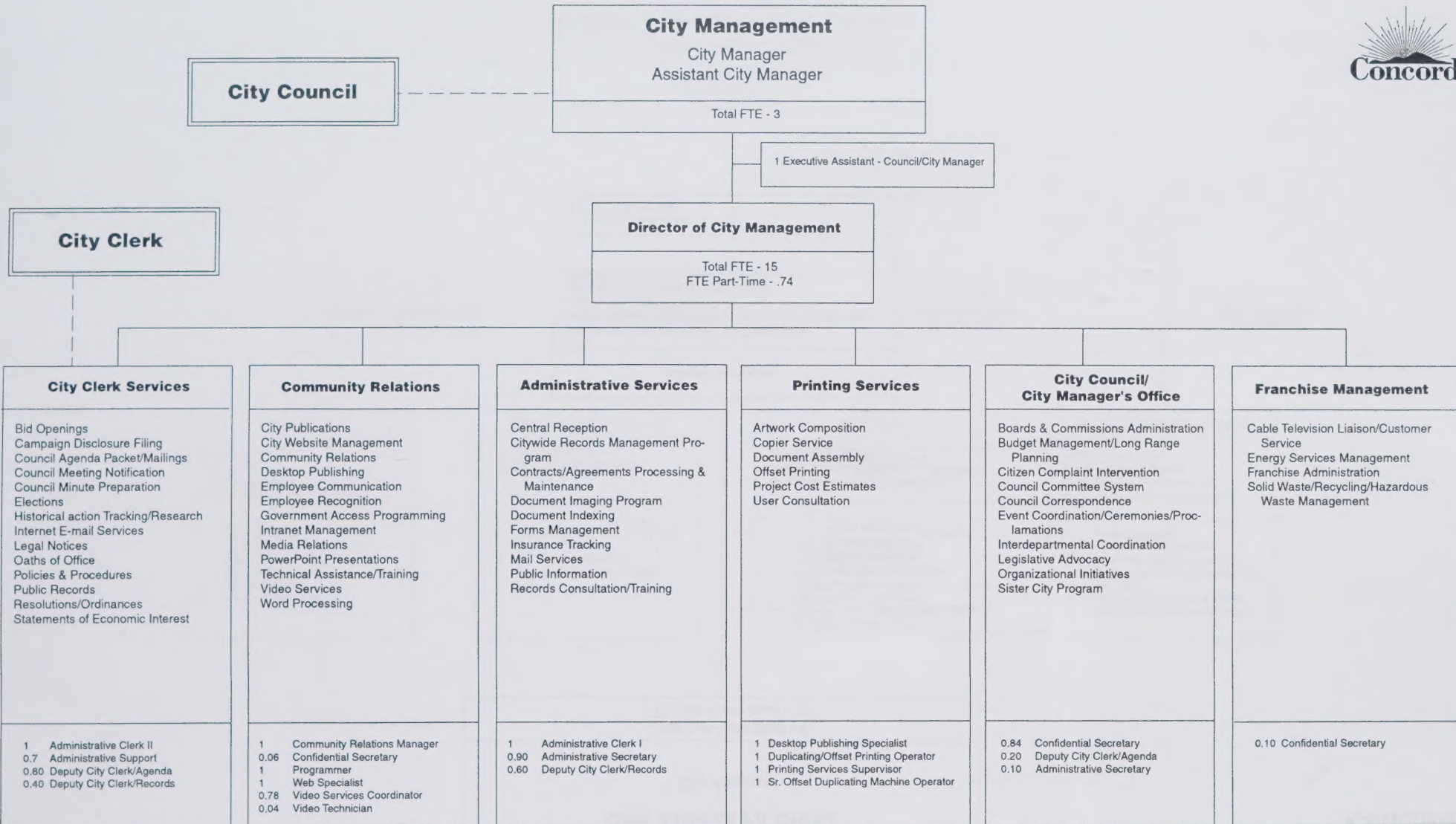


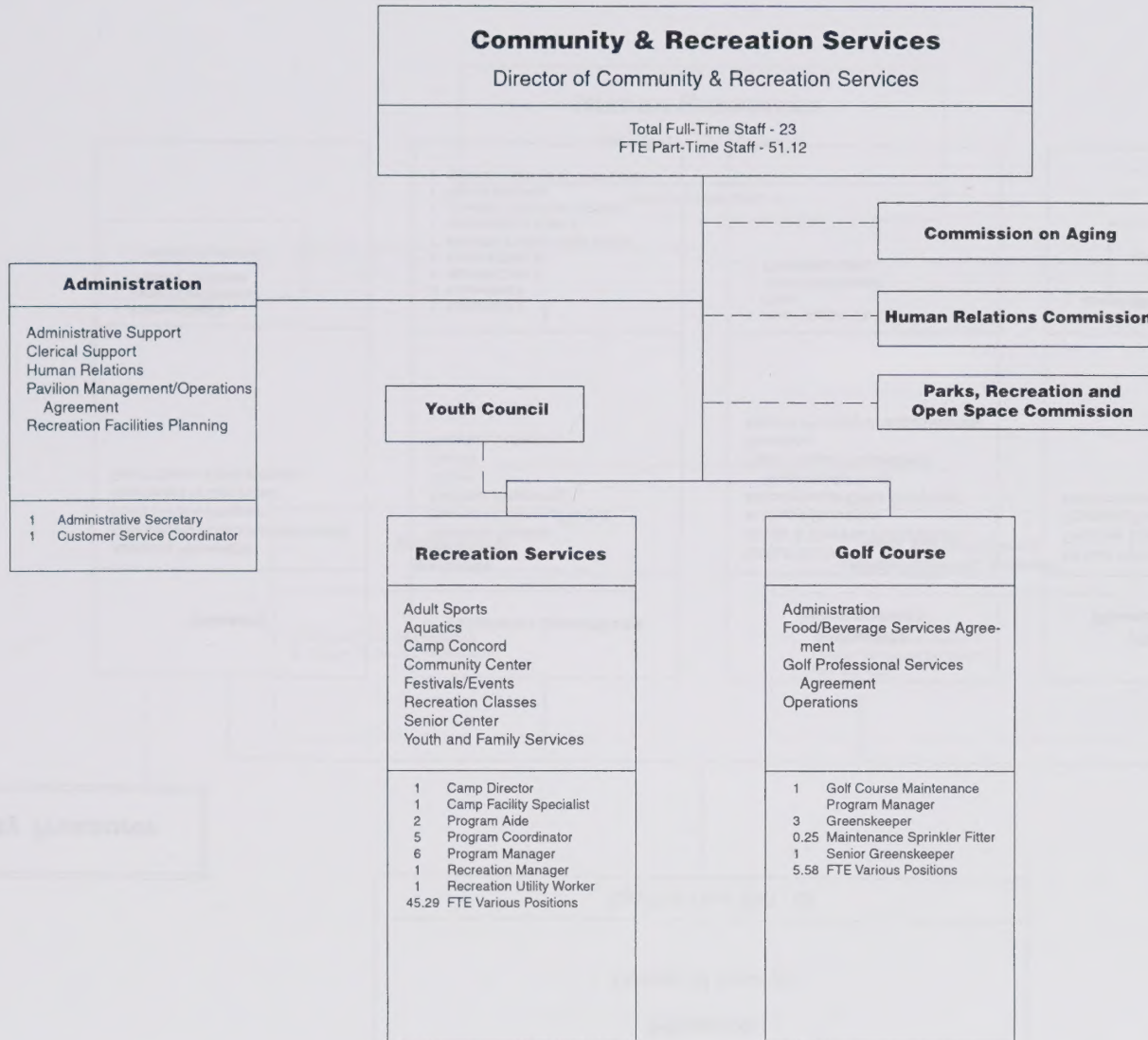
ORGANIZATION CHART - CITY OF CONCORD

The City of Concord has a City Council/City Manager form of government. Five Council members, the City Clerk, and the City Treasurer are elected by the voters. The Council appoints the City Manager and the City Attorney. The City Manager appoints department heads and hires employees to carry out program services. The City Council appoints qualified citizens from the community to serve on advisory boards and commissions.

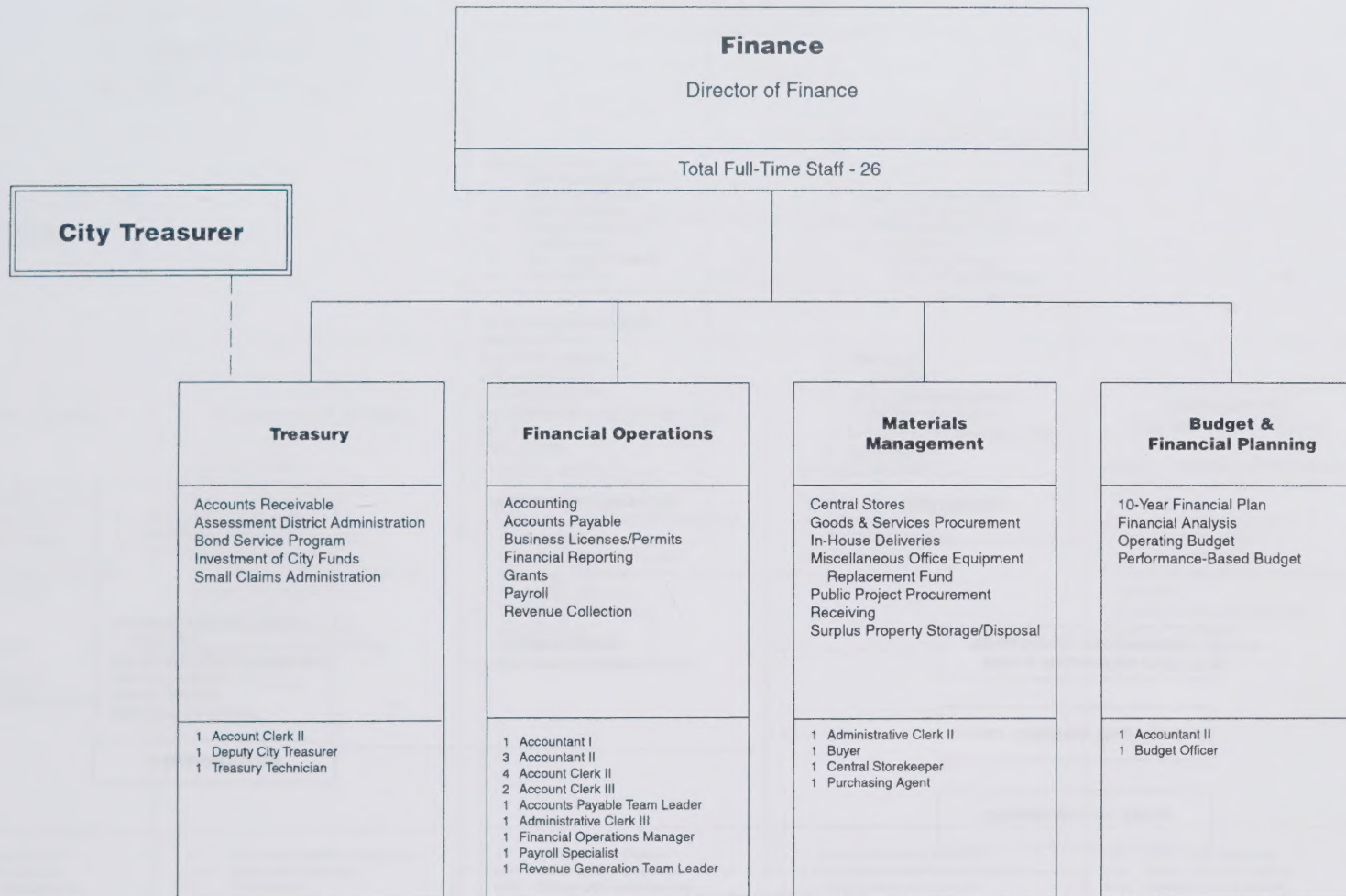


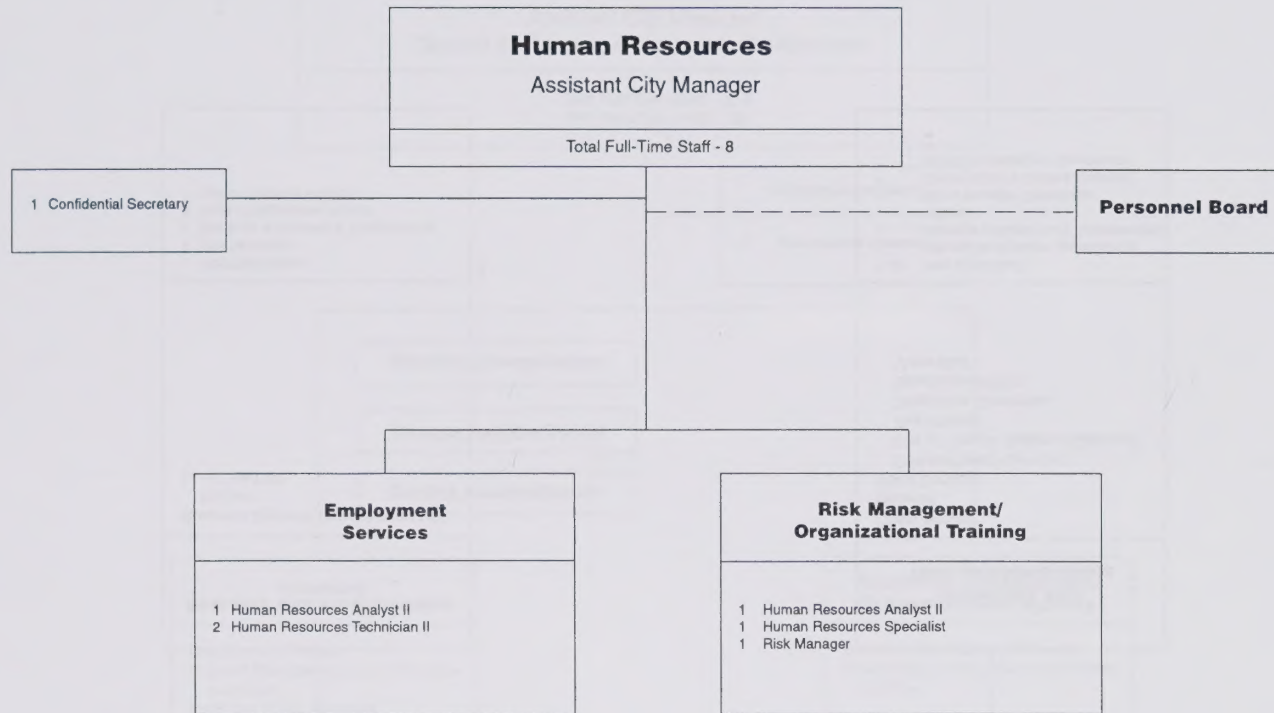


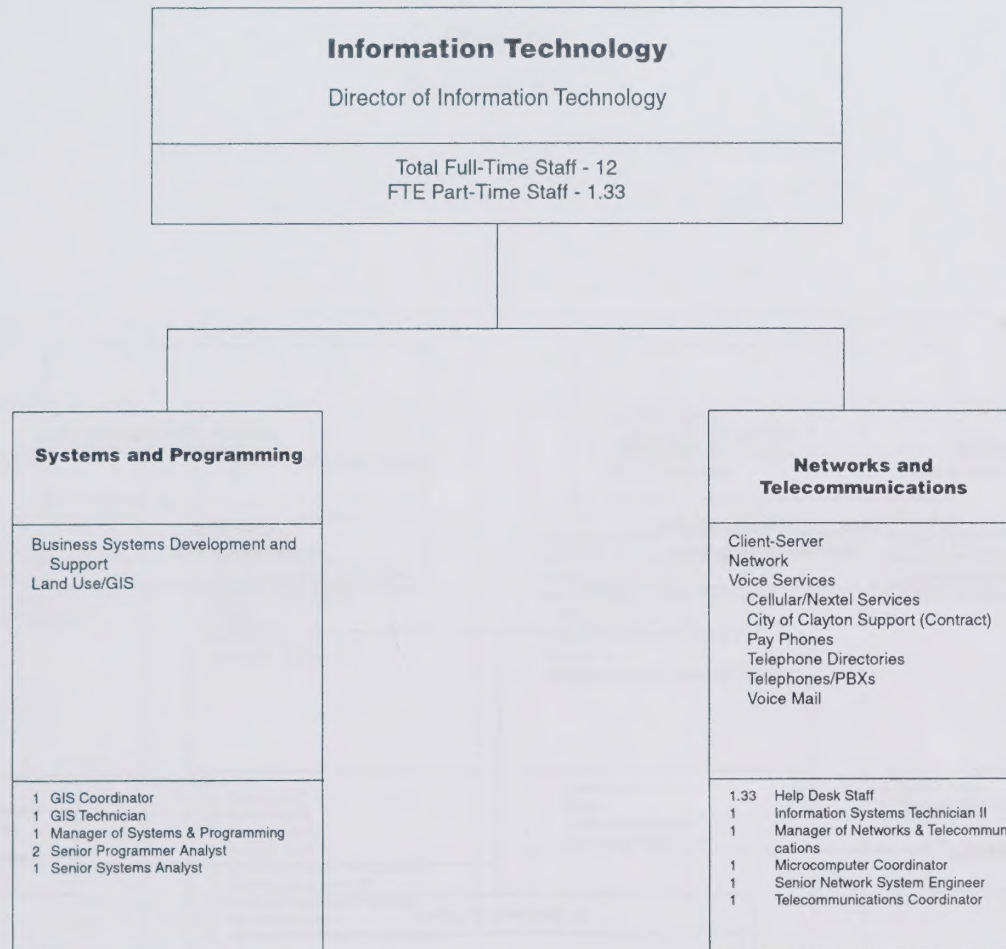


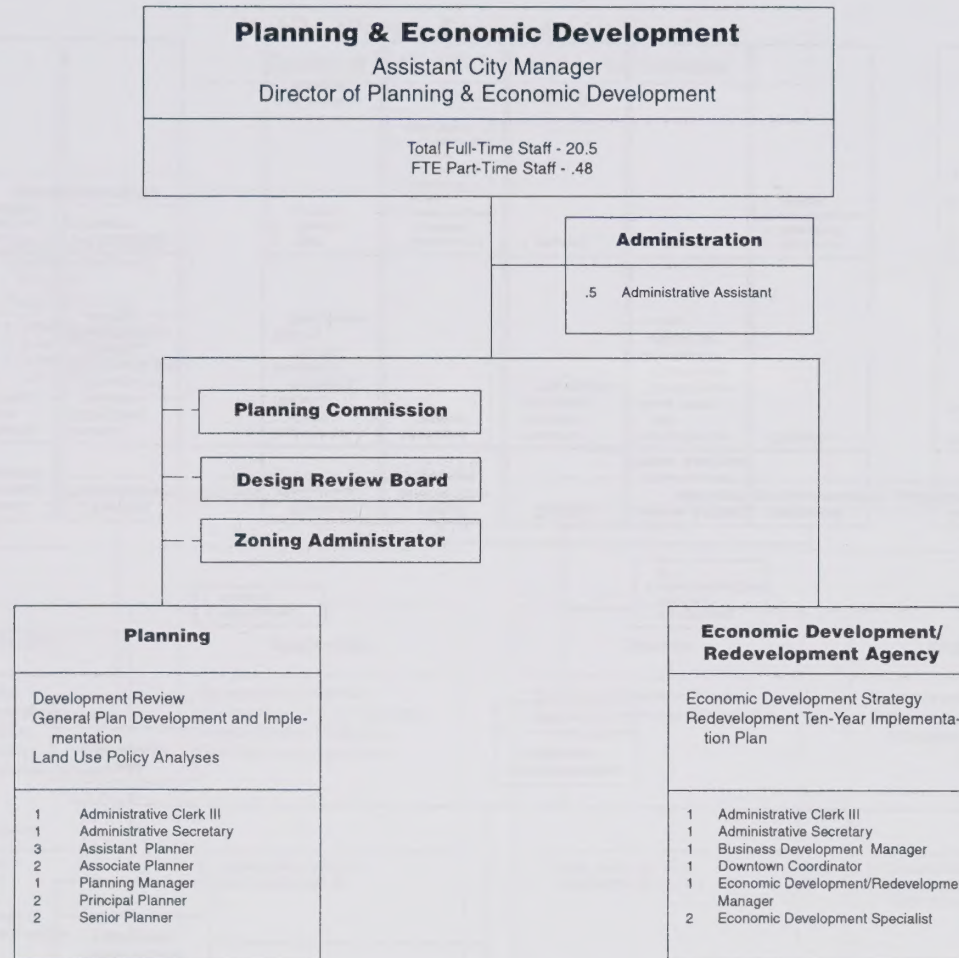


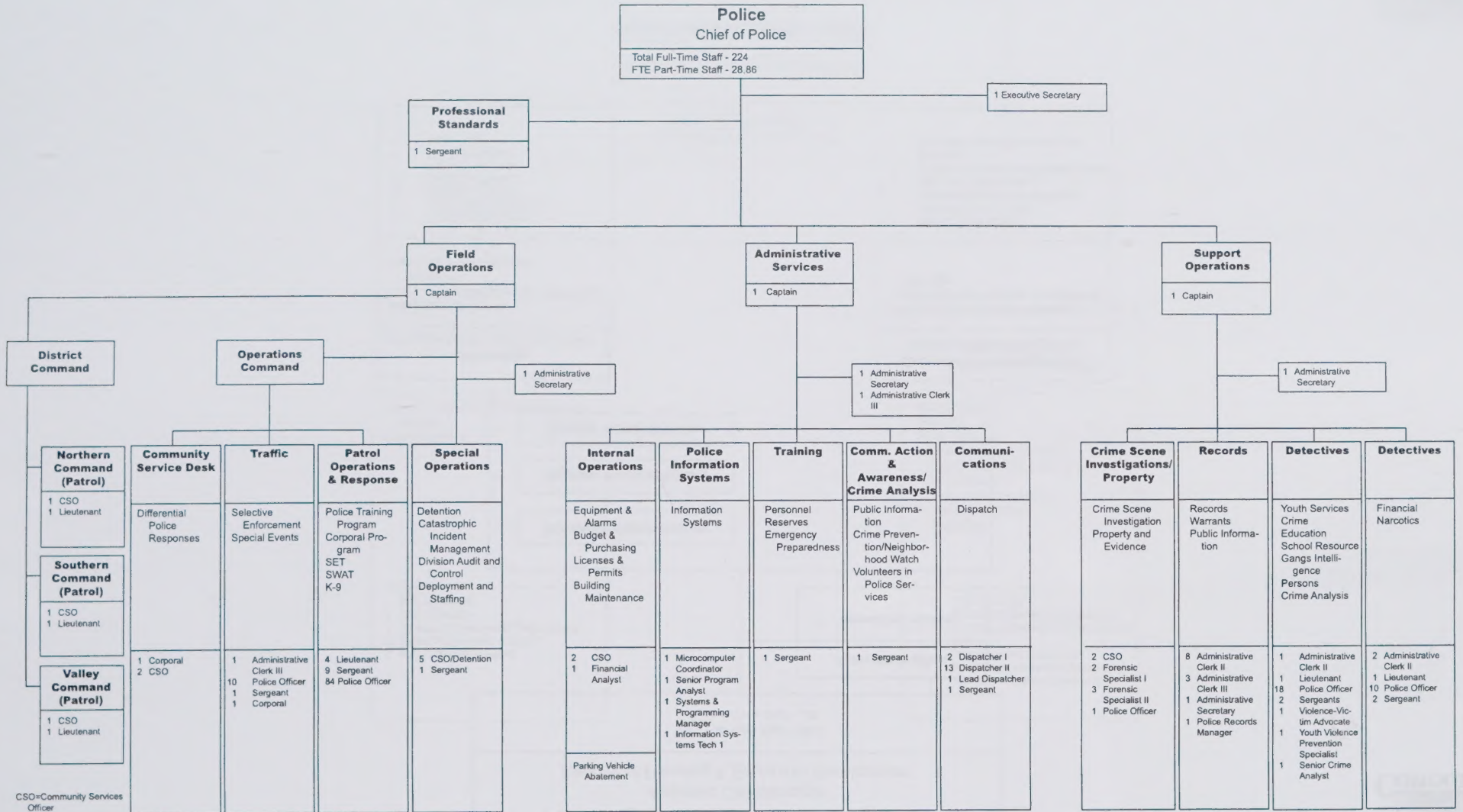
FTE = Full-Time Equivalent

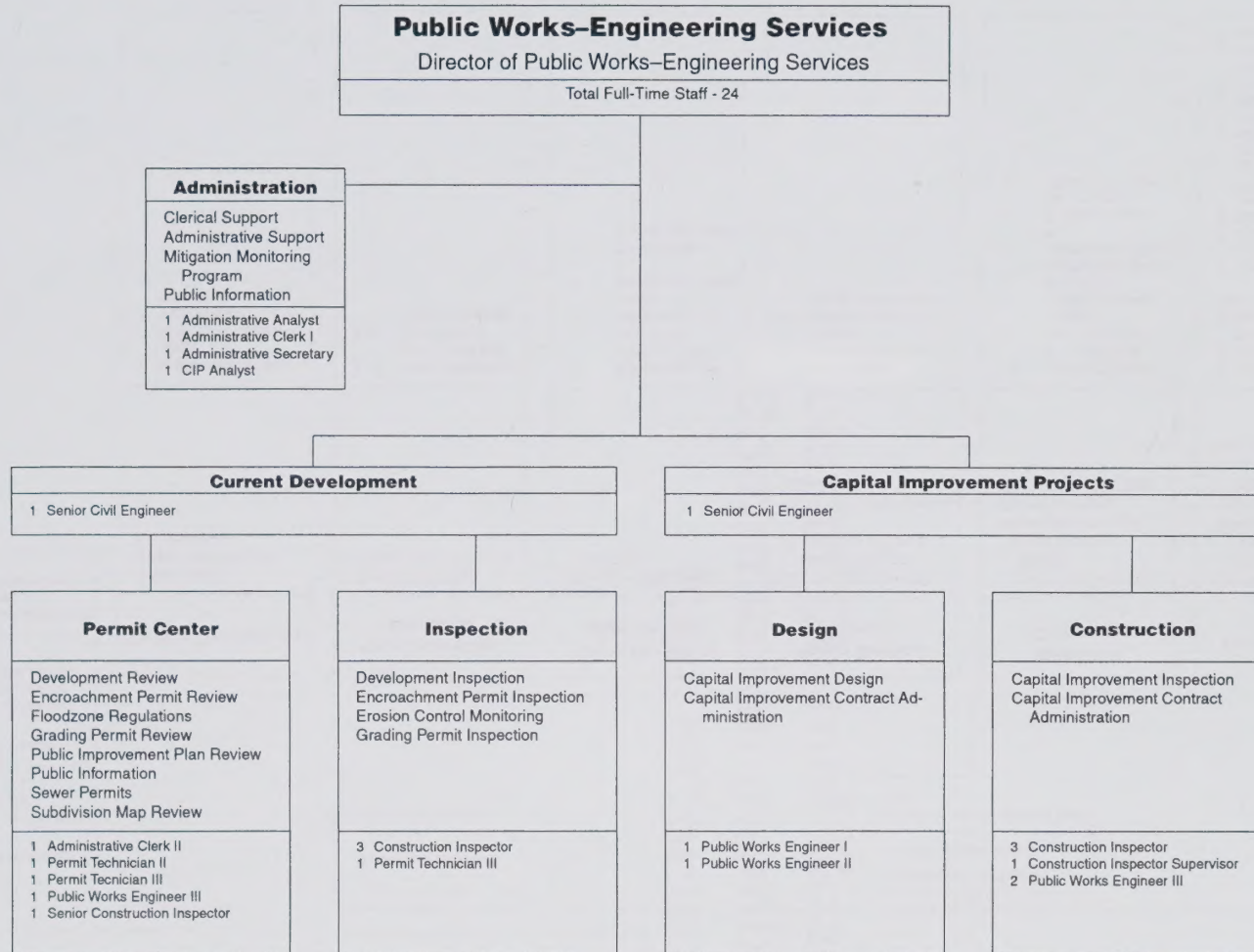












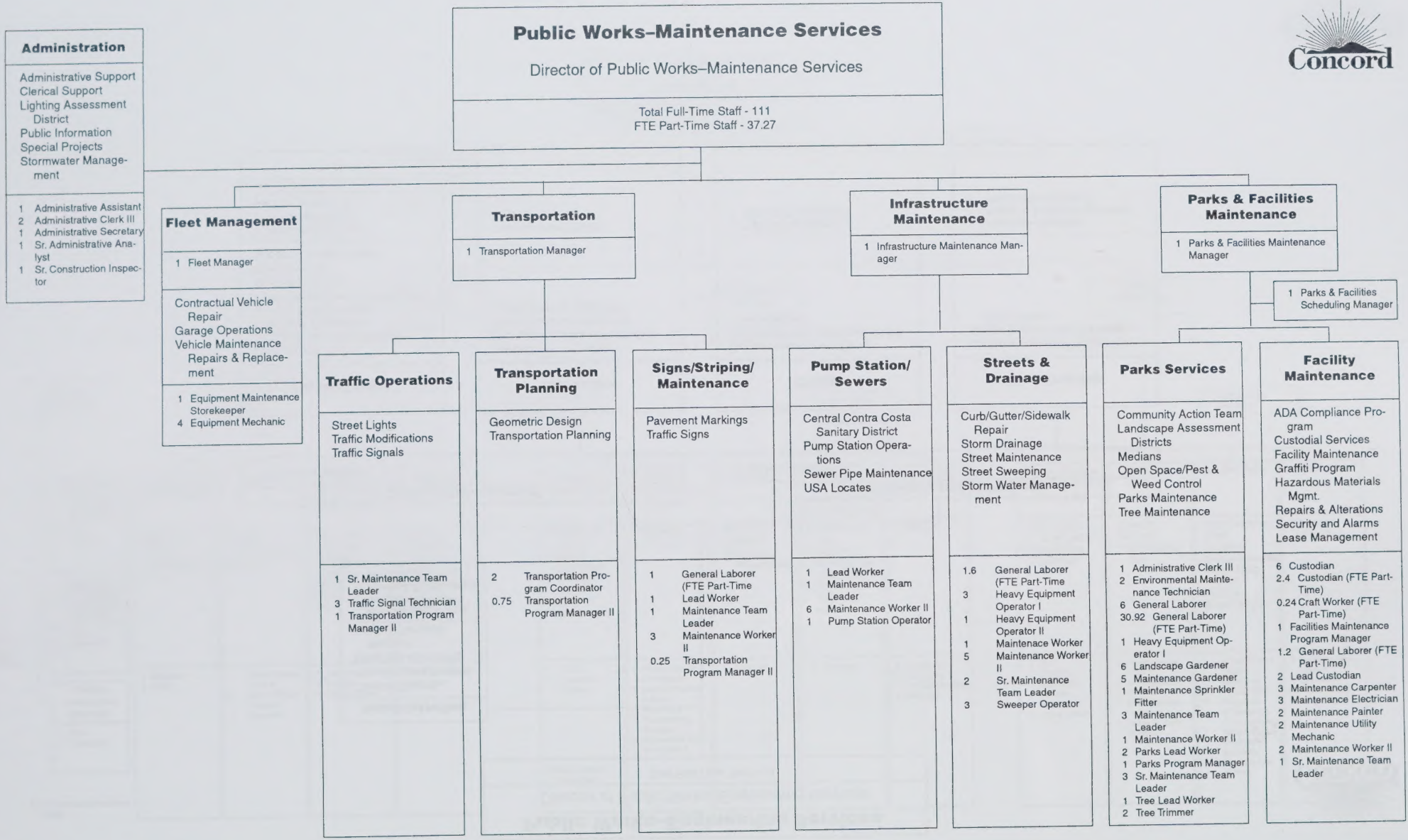


Exhibit 5

List of Current Board and Commission members by Board/Commission



Boards, Commissions and Committees Roster

Administrative Services
Monday, March 13, 2006

Appeals Board

William M. Abend (C)
1911 Judith Place- see mailing address
Concord, CA 94521

Robert Delucchi (M)
3031 San Miguel Court
Concord, CA 94518

Charles Hazarian (M)
3460 Teton Place
Concord, CA 94518

Jaime H. Perez (M)
1929 Packard Court
Concord, CA 94521

Fredric Wright (M)
3117 Fitzpatrick Drive
Concord, CA 94519

Commission on Aging

Andrea Connell (M)
3836 Village Road
Concord, CA 94519

Bruce Dexter (M)
1775 Sattler Drive
Concord, CA 94519

Arthur L. Gubisch (C)
3587 Cardinal Drive
Concord, CA 94520

Delores Leon (M)
2735 Minert Road
Concord, CA 94518

Esther Nicastro-Capon (M)
1369 Balhan Drive
Concord, CA 94521

Charles E. Rogers (M)
1757 Berrywood Drive
Concord, CA 94521

William Schafer (M)
1655 Galindo Street #1108
Concord, CA 94520

Louise Sprague (M)
3712 Cottonwood Drive
Concord, CA 94519

Community Services Commission

Adam J. Aucoin (M)
2306 Riverview Drive
Concord, CA 94520

Estrella "Lily" Camaddo (M)
1356 Rising Dawn Lane
Concord, CA 94521

Bill Gram-Reefer (M)
2243 Mt. Diablo Street
Concord, CA 94520

Moize Hussain (C)
4397 N. Willow Glen Court
Concord, CA 94521

Jan Kunz (M)
765 Brannan Place
Concord, CA 94518

Donna Lawson (M)
3767 Marice Court
Concord, CA 94518

Dorothy Mueller (VC)
933 San Simeon
Concord, CA 94518

Earle Ormiston (M)
1678 Heartland Court
Concord, CA 94519

Harmon West (M)
1452 Carleton Drive
Concord, CA 94518

Design Review Board

John Mercurio (M)
5411 Rock Creek Court
Concord, CA 94521

Jack Moore (C)
1755 Ancona Court
Concord, CA 94519

Kirk Shelby (M)
4416 Black Walnut Court
Concord, CA 94521

Ross Wells (VC)
762 Altessa Drive
Brentwood, CA 94513

Human Relations Commission

Janis Hoyt (M)
1107 Vista Point Lane
Concord, CA 94521

Melvin Lee (C)
4402 Sweetbriar Court
Concord, CA 94521

Kathleen McGuire (M)
1381 Del Rio Circle, #B
Concord, CA 94518

Linda Hidzick Meneken (VC)
1220 Traud Drive
Concord, CA 94518

Esmeralda A. Okendo (M)
2705 Lyon Circle
Concord, CA 94518

Martha Riley (M)
3744 Jo-De Court
Concord, CA 94519

Sherry Rutledge (M)
5289 Pebble Glen
Concord, CA 94521

Mobilehome Rent Review Board

Charles F. Carpenter (VC)
5454 Florida Drive
Concord, CA 94521

William J. Hooy (C)
4627 Coolidge Street
Concord, CA 94521

Arthur Kroeger (M)
5467 Louisiana Drive
Concord, CA 94521

Personnel Board

Therese M. da Silva (M)
4408 Red Maple Court
Concord, CA 94521

Richard F. Garcia (M)
4954 Murchio Court
Concord, CA 94521

Sharon Giampapa (C)
1815 Paul Lane
Concord, CA 94521

John Parodi (VC)
1590 American Beauty Drive
Concord, CA 94521

Phing Thong (M)
5139 Olive Drive
Concord, CA 94521

Planning Commission

Guy Bjerke (C)
1200 Oak Knoll Drive
Concord, CA 94521

Bill E. Brumley (VC)
1518 Davis Avenue
Concord, CA 94519

Kevin Costa (M)
1831 Granada Drive
Concord, CA 94519

Richard Jensen (M)
961 Shadybrook Drive
Concord, CA 94521

Gene Sylls (VC)
1814 C. Wildbrook Court
Concord, CA 94521

Parks, Recreation and Open Space Commission

Haroon Adalat (M)
3938 Cowell Road
Concord, CA 94518

Salma Habib (M)
1851 Clayton Way
Concord, CA 94519

Elizabeth A. Lamach (M)
4331 Satinwood Drive
Concord, CA 94521

Kandi Lancaster (C)
1817 Rachel Lane
Concord, CA 94521

Christopher Lucas (M)
1363 Golden Leaf Way
Concord, CA 94521

Michael Miller (VC)
5787 Lewis Way
Concord, CA 94521

Wayne Schafer (M)
1117 Sunlight Circle
Concord, CA 94518

Exhibit 6

List of Staff Liaisons, their support staff, and appropriate telephone numbers

Support Staff for Boards and Commissions

Staff	MS	Ext
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Appeals Board

(Est. 04/10/1998 by Ord. 748)

BENS/Building, Engineering & Neighborhood Services

Flores, Marie (Permit Center Technician III)	51	3227
Phillips, Vance (Chief Building Official)	51	3119

Commission on Aging

(Est. 05/23/1991 by Ord. 91-1)

CRS/Community & Recreation Svc.

Connolly, Avis (Program Manager)	20	3419
Ziegelman, Dee (Administrative Assistant)	10	3460

Community Services Commission

(Est. 11/11/1987 by Ord. 87-35)

CRS/Community & Recreation Svc.

House, Teri (Community Services Manager)	27	3283
Ziegelman, Dee (Administrative Assistant)	10	3460

Design Review Board

(Est. 06/06/1973 by Ord. 926)

P&ED/Planning

Billeci, Nancy (Administrative Secretary)	53	3101
Munneke, Cathy (Principal Planner)	53	3332

Human Relations Commission

(Est. 09/25/1986 by Ord. 86-22)

CRS/Community & Recreation Svc.

Parada, Marla (Program Manager)	10	3327
Ziegelman, Dee (Administrative Assistant)	10	3460

Mobilehome Rent Review Board

(Est. 11/24/1994 by Ord. 94-13)

CA/City Attorney

Boehme, Mark (Assistant City Attorney)	08	3160
Coon, Mark (Deputy City Attorney)	08	3160

P&ED/Planning & Economic Development

Chermak, Nancy (Administrative Secretary)	27	3364
Hodgett, Amy (Housing Manager)	27	3455

Staff**MS****Ext****Parks, Recreation and Open Space Commission**

(Est. 11/18/1987 by Ord. 87-35)

CRS/Community & Recreation Svc.

Carrico, Joan (Director of Community & Recreation)	10	3461
Ziegelman, Dee (Administrative Assistant)	10	3460

Personnel Board

(Est. 07/02/1961 by Ord. 542)

HR/Human Resources

Griffin, Sue Anne (Administrative Secretary)	30	3314
Rosenquist, Cherie (Director of Human Resources)	30	3407

Planning Commission

(Est. 05/22/1953 by Ord. 226)

CA/City Attorney

Boehme, Mark (Assistant City Attorney)	08	3434
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P&ED/Planning

Billeci, Nancy (Administrative Secretary)	53	3101
Raines, Deborah (Planning Manager)	53	3369

Exhibit 7

Policy and Procedure #89

Number:	89
Authority:	Council Motion
Effective:	12-11-78
Revised:	07-05-05
Reviewed:	2005
Initiating Dept.:	CM



COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

1. PURPOSE

To establish procedures to be used in accepting applications for and making appointments to fill openings on the various Council-appointed Boards and Commissions (Municipal Code, Chapter 2, Article V).

2. SUBMISSION OF APPLICATIONS

- 2.1 Applications for Boards or Commissions shall be available in the Department of City Management and on the City's website.
- 2.2 Applications shall be considered active for one year from the date of receipt.

3. ANNUAL NOTIFICATION OF OPENINGS

- 3.1 The Department of City Management shall schedule City Council agenda items for the announcement of expiring terms of members at least three months prior to expiration dates. Terms for all Boards and Commissions expire as shown on the schedule (Section 6). Expiring terms shall be considered as automatically extended beyond the expiration to the date the City Council makes new appointments.
- 3.2 The City Council shall call for new applications, setting a date certain during the months indicated in Section 6 as the closing deadline for the receipt of applications. Public notice of openings shall be made in advance of the closing deadline and interested parties and organizations shall be notified.
- 3.3 Following the closing deadline, the City Council shall receive copies of the applications and a summary listing of applicants for each Board or Commission.
- 3.4 The City Council or Council Committee shall review applications and may conduct interviews.
- 3.5 The Department of City Management shall schedule a City Council agenda item as indicated in Section 6 to publicly appoint persons to a designated term.
- 3.6 The Department of City Management shall prepare appropriate letters confirming appointments and prepare, for the Mayor's signature, letters to those not appointed.
- 3.7 In making appointments, the City Council shall make appointments that result in the influx of new ideas and perspectives while, at the same time, ensuring continuity and expertise.
- 3.8 No individual shall be appointed to serve as a member on more than one City Board or Commission, unless such dual membership is provided for in Chapter 2, Article V of the Municipal Code.
- 3.9 The City Council may appoint one or more alternates to any Board, Commission or Committee as provided for in Chapter 2, Article V of the Municipal Code.

4. APPOINTMENTS

- 4.1 Members of a City Board or Commission serve at the pleasure of the City Council. An appointment to a Board or Commission is revocable at any time, without cause, by a majority vote of the City Council. A Council Committee review or recommendation is not required for the Council to consider or take such action.
- 4.2 In the event openings occur prior to expiration of a member's term, the City Council may call for new applications and/or existing applications may be considered when making appointments to fill an unexpired term. Openings may also be filled from the list of Council-appointed alternates as provided for in Chapter 2, Article V of the Concord Municipal Code.

5. ATTENDANCE

- 5.1 Any member of a City Board or Commission who absents him/herself from three consecutive meetings without being excused will be deemed to have resigned his/her office, and the City Council may appoint a new member to serve in the place of such absent member. The City Council shall make the ultimate determination of whether the absence was excused.
- 5.2 Should the unexcused absence of any Board or Commission member reach the 3 consecutive meeting threshold, support staff is to provide pertinent information to the Director of City Management who will notify the member of their resignation and begin the process to fill the vacancy.
- 5.3 Each January 15, and July 15, the Department of City Management will summarize the attendance records of all slated Board members and Commissioners and provide a report to the City Council.

6. SCHEDULE

Board or Commission	Announce Openings 1st available Council Meeting in	Deadline for Applications: 60 days following announcement or 1st Friday of	City Council Appointments 1st available Meeting in	Terms Begin	Terms Expire
Board of Appeals	November	January	February	March 1	February 28
Mobilehome Rent Review Board	November	January	February	March 1	February 28
Planning Commission	November	January	February	March 1	February 28
Personnel Board	November	January	February	March 1	February 28
Design Review Board	November	January	February	March 1	February 28
Parks, Recreation & Open Space Commission	March	May	June	July 1	June 30
Human Relations Commission	March	May	June	July 1	June 30
Community Services Commission	March	May	June	July 1	June 30
Commission on Aging	March	May	June	July 1	June 30
Youth Members on the Parks, Recreation & Open Space Commission	Appointed annually by the Parks, Recreation & Open Space Commission				

- 6.1 Scheduling may be operationally adjusted.

Exhibit 8

**Standing Council Committees and
Board/Commission Relationship
2006**

2006 Standing Boards and Commissions

Standing Council Committees	Example of Issues Reviewed	Board of Appeals	Commission on Aging	Community Services Commission	Design Review Board	Human Relations Commission	Mobilehome Rent Review Board	Parks, Recreation & Open Space Comm.	Personnel Board	Planning Commission ¹
Policy Development and Internal Operations Bonilla, Chair Peterson, Committeemember 2 nd Thursday at 5:30 p.m.	Council budget, policy development, facilities use, community relations								●	
Recreation and Cultural Affairs Peterson, Chair Shinn, Committeemember 4 th Wednesday at 5:30 p.m.	Arts, special events, parks, golf course, trails, youth programs, Sister City					●		●		
Housing and Economic Development Allen, Chair Bonilla, Committeemember 4 th Wednesday at 4:00 p.m.	Downtown, RDA, Mainstreet, housing, mobile homes				●		●			
Infrastructure and Franchise Hoffmeister, Chair Allen, Committeemember 3 rd Wednesday at 5:30 p.m.	Transportation, cable, solid waste, public works, sewer; franchises	●								
Neighborhood and Community Services Shinn, Chair Hoffmeister, Committeemember 4 th Monday at 5:30 p.m.	Neighborhoods, social services, ADA, programs for elderly		●	●						

● Primary Relationship: Council Committee to act as liaison to Council for designated board/commission, and to conduct interviews of applicants for board/commission membership.

¹ Interviews of applicants for Planning Commission to be conducted by full Council.

Exhibit 9

Summary of Brown Act

SUMMARY OF BROWN ACT (California's Open Meetings Law)

I. OPEN MEETING POLICY.

- A. In enacting the Brown Act, the State Legislature found that “public commissions, boards and councils and other public agencies in this State exist to aid in conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” The core principle of the Brown Act is that with limited exceptions, “all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body.”
- B. The basic purpose of the Brown Act is to provide the public with an opportunity to participate in the decision-making processes of their local legislative bodies. Broad public participation tends to improve the quality of local agency decisions and to foster public confidence in governmental institutions.

II. MEETINGS OF THE LEGISLATIVE BODY MUST BE OPEN TO THE PUBLIC.

- A. The Brown Act has a broad definition of the term “legislative body”:
 - 1. All governing bodies of local public agencies (City Councils, Boards of Supervisors, and special district Boards of Directors.)
 - 2. Any commission, committee, board or other body of the local governing body created by any formal action of the City Council, except advisory committees composed solely of less than a quorum of the members of the legislative body which do not have a continuing subject matter jurisdiction.
- B. What meetings are covered by the Brown Act?
 - 1. Includes most meetings where a quorum (majority) of the legislative body is present.
 - 2. Does not include attendance of the legislative body at social functions, educational conferences or community workshops.
 - 3. Does not include meetings between an individual elected or appointed official and his or her constituents.

4. Includes "serial" meetings, e.g., when legislative body member "A" contacts "B" who contacts "C" to relay what "A" and "B" think about a certain issue. The use of the serial meeting (whether in person, on the phone, or through other telecommunicative means) develop a collective concurrence on items of public business is considered to be an illegal circumvention of the Brown Act.

III. AGENDAS AND NOTICE.

- A. The agenda must be posted at least 72 hours before each regular meeting of the Board or Commission. Regular meetings are those that the legislative body has fixed as their ordinary and periodic meetings. The agenda must contain sufficient information to enable members of the public to determine the general subject matter of each agenda item. Agendas must be mailed to those who have requested copies in writing.
- B. The legislative body ordinarily cannot act on an item which is not on the posted agenda. It should not discuss at length items which are not on the agenda. There is a key exception to this rule:
 1. When two-thirds of the members (or all members if less than two-thirds are present) determine that there is a need to take immediate action and the need for action came to the attention of the legislative body after the agenda was posted.

The legislative body also can ask questions for clarification in response to questions from the public during the public comment period. In addition, members of the legislative body can make brief announcements or reports on their activities. Furthermore, a legislative body member may refer matters to staff or consultants for factual information, request staff to report back on an issue at a subsequent meeting, or direct staff to add an item of business to a future agenda.

- C. A special meeting can be called by a majority of the legislative body or the presiding officer on 24 hours notice.
- D. A regular or special meeting can be adjourned or continued to a specific time and place. A copy of the order must be posted within 24 hours.

IV. PUBLIC PARTICIPATION AT THE MEETING.

- A. The public has the right to speak on any agenda item.
 1. There must be an opportunity to speak before the agenda item is acted on.

2. During the public comment period, the public may speak about anything within the jurisdiction of the particular legislative body, but action may be taken only on agenda items.
 3. The public has the right to review non-privileged public records related to the agenda and to obtain copies within a reasonable time of documents distributed to the legislative body.
 4. The public can tape or record the meeting, as long as this is done without disrupting the meeting.
 5. Reasonable efforts must be made to accommodate the special needs of disabled persons who wish to attend and participate in public meetings. Under legislation effective on January 1, 2003, agenda materials must be made available in "appropriate alternative formats" to disabled persons who are not able to read standard agenda documents.
- B. The legislative body may set rules that permit the orderly conduct of the meeting. These rules are administered by the Chair, acting with the express or implied consent of a majority of the legislative body.
1. The Chair may follow a series of steps to admonish, then remove disruptive people from the meeting.
 2. The Chair may limit speakers to the subject matter of the agenda item under consideration.
 3. The Chair can adopt reasonable restrictions limiting the time of individual speakers.

V. CLOSED SESSIONS

- A. Meetings are either open or closed; they cannot be partially open to selected members of the public. The City Council is authorized to conduct closed sessions to confer with legal counsel regarding pending litigation, to discuss certain personnel matters, and to give instructions regarding real estate negotiations.
- B. Certain actions taken in closed session must be publicly reported. This includes approval of a final litigation settlement or real estate agreement.

VI. BROWN ACT REMEDIES.

- A. A misdemeanor criminal prosecution can occur when a member of a legislative body attends a meeting in violation of the Brown Act, and knows that he/she has violated the law.
- B. A civil action may be filed to enjoin the legislative body from committing future Brown Act violations.
- C. An action that is not in substantial compliance with the Brown Act may be invalidated.
 - 1. Substantial compliance means compliance with the basic open meeting provisions and notice/agenda provisions, not with the “minor” provisions of the Act, e.g., tape recording, precise wording of agenda descriptions, etc.
 - 2. One seeking to invalidate an action must complain to the legislative body within 30 days. The legislative body then has 30 days to cure its Brown Act violation (e.g., hold a public meeting on the action passed in violation of the Brown Act.) If the legislative body does not cure the violation, the person has 15 days to file suit. Successful litigants are eligible for an award of attorney’s fees.

CAVEAT: This document is intended to provide a summary outline of commonly encountered issues arising under the Brown Act. It is not intended to substitute for a focused legal analysis of how these general principles are to be applied in specific factual situations.

SUMMARY OF BROWN ACT

	SECTION	CHAPTER
COVERAGE		
GOVERNING BODIES: Includes city councils, boards of supervisors, and district boards. Also covered are other legislative bodies of local government agencies created by state or federal law.	54952(a)	I & II
SUBSIDIARY BODIES: Includes boards or commissions of a local government agency as well as standing committees of a legislative body. A standing committee has continuing subject matter jurisdiction or a meeting schedule set by its parent body. Less-than-a-quorum advisory committees, other than standing committees, are exempt.	54952(b)	II
PRIVATE CORPORATIONS OR ENTITIES: Covered only if: (1) A legislative body delegates some of its functions to a private corporation or entity; or (2) If a legislative body provides some funding to a private corporation or entity and appoints one of its members to serve in official capacity on entity's board of directors.	54952(c)(1) 54952(c)(2)	II
MEETING DEFINED		
INCLUDES: Any gathering of a quorum of a legislative body to discuss or transact business under the body's jurisdiction; serial meetings are prohibited. Page vi.	54952.2	III
EXEMPTS: (1) Individual contacts between board members and others which do not constitute serial meetings; (2) Attendance at conferences and meetings which are open to public so long as members of legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction; (3) Attendance at social or ceremonial events where no business of the body is discussed.	54952.2(c)(1) 54952.2(c)(2) (3) and (4) 54952.2(c)(5)	III
LOCATIONS OF MEETINGS: A body must conduct its meetings within the boundaries of its jurisdiction unless it qualifies for a specific exemption.	54954	IV
PUBLIC RIGHTS		
PUBLIC TESTIMONY: Public may comment on agenda items before or during consideration by legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction.	54954.3	IV & V
TAPING OR BROADCASTING: Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding.	54953.5; 54953.6	V
CONDITIONS TO ATTENDANCE: Public may not be asked to register or identify themselves or to pay fees in order to attend public meetings. Page vii.	54953.3; 54961	V
PUBLIC RECORDS: Materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay.	54957.5	V

SUMMARY OF BROWN ACT

	SECTION	CHAPTER
REQUIRED NOTICES AND AGENDAS		
REGULAR MEETINGS:		
Agenda containing brief general description (approximately twenty words in length) of each matter to be considered or discussed must be posted at least 72 hours prior to meeting.	54954.2	IV
SPECIAL MEETINGS:		
Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed.	54956	IV
EMERGENCY MEETINGS:		
One hour notice in case of work stoppage or crippling disaster.	54956.5	IV
CLOSED SESSION AGENDAS:		
All items to be considered in closed session must be described in the notice or agenda for the meeting. A model format for closed-session agendas appears in section 54954.5.	4954.2; 54954.5;	IV
Prior to each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.	54957.1; and 54957.7	
Page viii.		
AGENDA EXCEPTION:		
Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda.	54954.2(b)	IV
CLOSED-SESSION MEETINGS		
PERSONNEL EXEMPTION:		
The body may conduct a closed session to consider appointment, employment, evaluation of performance, discipline or dismissal of an employee. With respect to complaints or charges against an employee, the employee must be notified, at least 24 hours in advance, of his or her right to have the hearing conducted in public.	54957	VI
PENDING LITIGATION:		
A body may meet in closed session to receive advice from its legal counsel concerning existing litigation, initiating litigation, or situations involving a significant exposure to litigation. The circumstances which constitute significant exposure to litigation are expressly defined in section 54956.9(b)(3).	54956.9	VI
LABOR NEGOTIATIONS:		
A body may meet in closed session with its negotiator to consider labor negotiations with represented and unrepresented employees. Issues related to budgets and available funds may be considered in closed session, although final decisions concerning salaries of unrepresented employees must be made in public.	54957.6	VI
Page ix.		
REAL ESTATE NEGOTIATIONS:		
A body may meet in closed session to consider price and terms of payment in connection with the purchase, sale, exchange or lease of real property.	54956.8	VI
REMEDIES AND SANCTIONS		
CIVIL REMEDIES:		
Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act.	54960; 54960.1	VII
Attorneys' fees are available to prevailing plaintiffs.	54960.5	
CRIMINAL SANCTIONS:		
The district attorney may seek misdemeanor penalties against a member of a body who attends a meeting where action is taken in violation of the Act, and where the member intended to deprive the public of information which the member knew or has reason to know the public was entitled to receive.	54959	VII

Exhibit 10

Summary of Public Records Act

SUMMARY OF PUBLIC RECORDS ACT

I. BASIC POLICY.

- A. To promote public access to information concerning the activities of governmental agencies while safeguarding individual privacy rights.

II. GOVERNMENT RECORDS MUST BE OPEN TO THE PUBLIC.

- A. The Public Records Act applies to the State of California and all local public agencies, including cities, counties and special districts. As a general rule, public records maintained by a governmental agency must be open for inspection by the public during normal business hours. The Act's definition of the term "public record" includes paper documents, as well as information stored on microfilm or in electronic format.
- B. Any person may request copies of reasonably identifiable public records. Upon receiving such a request, the public agency must normally respond within ten days to notify the person making the request whether or not the documents will be produced. Under a statutory amendment effective January 1, 2002, the agency must take reasonable steps to assist the public in identifying records that may be responsive to a request, describe the information technology and physical location where the records are maintained, and provide suggestions for overcoming any practical barriers to obtaining access to the records sought. The public agency is entitled to recoup its copying costs for any documents that are produced.

III. EXEMPTIONS.

- A. The Act details twenty-six specific categories of records which are exempt from disclosure. The following are some of the exemptions that frequently apply to records requested from cities:
 - 1. Preliminary drafts and inter-agency memoranda which are not retained by the public agency in the ordinary course of business.
 - 2. Records pertaining to pending liability claims and litigation.
 - 3. Personnel and medical files.
 - 4. Records of complaints to and investigations conducted by local law enforcement agencies.

5. Real estate appraisals or engineering studies relating to acquisition of property or public works projects.
 6. Records which are protected by state law privileges, such as attorney-client communications and legal work product.
- B. The Act also contains a “catch-all” exemption which allows a public agency to justify withholding records by demonstrating that the public interest served by not making the records public clearly outweighs the public interest served by disclosure.

IV. REMEDIES FOR NONCOMPLIANCE

- A. Any person may file a lawsuit seeking a court order forcing production of public records. A successful plaintiff is entitled to recover attorney’s fees and court costs. The public agency may recover its litigation expenses if the suit is found to be frivolous.

CAVEAT: This document is intended to provide a summary outline of commonly encountered issues arising under the Public Records Act. It is not intended to substitute for a focused legal analysis of how these general principles are to be applied in specific factual situations.

Exhibit 11

**Summary of Robert's Rules of Order
– from www.robertsrules.org**

Robert's Rules of Order

www.robertsrules.org

Exhibit 11

[Roberts Rules, full text \(1915 version\)](#)

[Introduction to Robert's Rules](#)

[Quick Chart of Motions](#)

[Chart of Motions in Arabic](#)

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Robert's Rules of Order - Summary Version

For Fair and Orderly Meetings & Conventions

Provides common rules and procedures for deliberation and debate in order to place the whole membership on the same footing and speaking the same language. The conduct of ALL business is controlled by the general will of the whole membership - the right of the deliberate majority to decide. Complementary is the right of at least a strong minority to require the majority to be deliberate - to act according to its considered judgment AFTER a full and fair "working through" of the issues involved. Robert's Rules provides for constructive and democratic meetings, to help, not hinder, the business of the assembly. Under no circumstances should "undue strictness" be allowed to intimidate members or limit full participation.

The fundamental right of deliberative assemblies require all questions to be thoroughly discussed before taking action!

The assembly rules - they have the final say on everything!
Silence means consent!

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate can not begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair!
Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!



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The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "Close Debate" if preferred
- **Informal Consideration:** Move that the assembly go into "Committee of the Whole" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business

- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

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Introduction to Robert's Rules of Order

1. What is Parliamentary Procedure?
 2. Why is Parliamentary Procedure Important?
 3. Example of the Order of Business
 4. Motions
 5. Types of Motions
 6. How are Motions Presented?
 7. Voting on a Motion
-

What Is Parliamentary Procedure?

It is a set of rules for conduct at meetings, that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Roll call of members present.
3. Reading of minutes of last meeting.
4. Officers reports.
5. Committee reports.
6. Special orders --- Important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.
4. Vote on motions.

There are four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.

2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. **Obtaining the floor**
 - a. Wait until the last speaker has finished.
 - b. Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
 - c. Wait until the Chairman recognizes you.
2. **Make Your Motion**
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...".
 - c. Avoid personalities and stay on your subject.
3. **Wait for Someone to Second Your Motion**
4. Another member will second your motion or the Chairman will call for a second.
5. If there is no second to your motion it is lost.
6. **The Chairman States Your Motion**
 - a. The Chairman will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.
7. **Expanding on Your Motion**
 - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chairman.
 - d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.
8. **Putting the Question to the Membership**
 - a. The Chairman asks, "Are you ready to vote on the question?"
 - b. If there is no more discussion, a vote is taken.
 - c. On a motion to move the previous question may be adapted.

Voting on a Motion:

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. **By Voice** -- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
2. **By Roll Call** -- Each member answers "yes" or "no" as his name is

called. This method is used when a record of each person's vote is required.

3. By General Consent -- When a motion is not likely to be opposed, the Chairman says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
4. By Division -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
5. By Ballot -- Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. Motion to Table -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. Motion to Postpone Indefinitely -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.

Most importantly, *BE COURTEOUS*.

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